



Law and Order Code

Pueblo of Isleta

Approved for Printing

August 30, 2022

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1 **RETAINED SECTIONS OF 1965 LAW AND ORDER CODE**
2 **pursuant to Pueblo of Isleta Council Resolution No. 2008-192**
3
4

5 **1-1-17. Law Applicable to Civil Actions**
6

7 A. In all civil cases, the Pueblo of Isleta Judiciary shall apply applicable
8 Pueblo of Isleta Ordinances or customs, unless prohibited by the laws of the United
9 States, in which case such laws shall apply.
10

11 B. Where any doubt arises as to the customs and usages or the Tribe, the
12 Judiciary may request the advice of counsellor familiar with these customs and usages.
13

14 C. Any matters that are not covered by the ordinances and customs of the
15 Pueblo of Isleta or by the laws of the United States, shall be decided by the Pueblo of
16 Isleta Judiciary according to the laws of the State of New Mexico.
17

18 **1-1-18. Judgments in Civil Actions**
19

20 A. In all civil cases, judgment shall consist of any order of the Judiciary
21 awarding money damages to be paid to the injured party, or directing the surrender of
22 certain property to the injured party, or the performance of some other act for the benefit
23 of the injured party.
24

25 B. Where the injury inflicted was the result of carelessness of the defendant,
26 the judgment shall fairly compensate the injured party for the loss he has suffered.
27

28 C. Where the injury was deliberately inflicted, the judgement may impose an
29 additional penalty upon the defendant, which additional penalty may run either in favor
30 of the injured party or in favor of the Tribe.
31

32 **1-1-19. Costs in Civil Actions**
33

34 The Judiciary may assess the accruing costs of the case against the party or parties
35 against who judgment is given.
36

37 **1-1-20. Determination of Paternity and Support**
38

39 The Pueblo of Isleta Judiciary shall have jurisdiction of all suits brought to
40 determine the paternity of a child and to obtain a judgment for the support of a child. A
41 judgment of the Judiciary establishing the identity of the father of the child shall be
42 conclusive of the fact in all subsequent determinations of inheritance by the Pueblo of
43 Isleta Judiciary.
44

45 *See Ordinance on Paternity Determinations, enacted September 25, 2012 by*
46 *Resolution 2012-034A.*

1 **1-1-21. Determination of Heirs**

2
3 A. When any member of the Tribe does leaving property other than an
4 allotment or other trust property subject to the jurisdiction of the United States, any
5 member claiming to be an heir of the of the decedent may bring a suit in the Pueblo of
6 Isleta Judiciary to have the Judiciary determine the heirs of the decedent and to divide
7 amount the heirs such property of the decedent. No determination of heirs shall be made
8 unless all the possible heirs know to the Judiciary and to the claimant have been notified
9 of the suit and given full opportunity to come before the Judiciary and defend their
10 interests. Possible heirs who are not residents of the reservation under the jurisdiction of
11 the Judiciary must be notified by mail and a copy of the notice must be preserved for the
12 record of the case.
13

14 B. In the determination of heirs the Judiciary shall apply the custom of the
15 Tribe as to inheritance if such custom is proved. Otherwise, the Judiciary shall apply the
16 law of the State of New Mexico in deciding what relatives of the decedent are entitled to
17 be his heirs.
18

19 C. Where the estate of the decedent includes any interest in restricted allotted
20 lands or other property held I trust by the United States, over which the examiner of
21 inheritance would have jurisdiction, the Pueblo of Isleta Judiciary may distribute only
22 such property as does not come under the jurisdiction of the examiner of inheritance.
23

24 *See Probate Ordinance, approved by Tribal Council June 10, 2014. (12-0-0)*
25 *Effective October 8, 2015.*
26

27 **1-1-22. Approval of Wills**

28
29 *Repealed by Probate Ordinance, approved by Tribal Council June 10, 2014. (12-*
30 *0-0) Effective October 8, 2015.*
31

32 **1-1-70. Statute of Limitations – Criminal**

33
34 No person shall hereafter be prosecuted, tried or punished in any court of the
35 Isleta Pueblo Judiciary unless the criminal complaint shall be made or warrant issued
36 within one (1) year from the time the crime was committed. If, after an offense has been
37 committed, the defendant shall conceal himself or go outside the exterior boundaries of
38 Isleta Pueblo, the prosecution for such crime may be commenced within the time
39 prescribed herein after defendant ceases to conceal himself or returns to the lands of the
40 Pueblo of Isleta. No period shall be included in the time of limitation when the party
41 charged with a crime is not usually and publicly a resident of the Pueblo of Isleta.
42
43

1 **1-1-71. Statute of Limitations – Civil**

2
3 A. No civil suit or action may be brought after five (5) years from the date on
4 which its cause of action arises.

5
6 *This section does not apply to Probate proceedings authorized by the Probate*
7 *Ordinance. See Section 6.4 of Probate Ordinance, approved by Tribal Council June 10,*
8 *2014. (12-0-0) Effective October 8, 2015.*
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CHAPTER 30

LAW & ORDER CODE

30-01 GENERAL PROVISIONS

30-01-01. Title

This Chapter shall be known and cited as the Pueblo of Isleta “Law and Order Code” (hereinafter referred to in this Chapter as this “Code”) and shall be cited to as P.O.I. Code, Chapter 30.

30-01-02. Authority

This Code is enacted pursuant to the inherent governmental powers of the Pueblo of Isleta Tribe and through Article V, Section (2) (e) of the Pueblo of Isleta Constitution.

30-01-03. Savings Clause

In the event that any provision of this Code is declared invalid or unconstitutional by a court of competent jurisdiction, all other provisions shall not be affected and shall remain in full force and effect. The Isleta Tribal Court (hereinafter referred to in this Chapter as the “Court”) shall ensure that the Isleta Tribal Council is placed on notice of any Constitutional challenge to any provision contained in this Code to afford the Isleta Tribal Council an opportunity to defend the provision.

30-01-04. Prior Inconsistent Laws Repealed

Any existing laws or enactments which are inconsistent with this Code are specifically repealed; provided that Sections 1-1-17 through 22, 1-1-70 and 1-1-71 of the Pueblo’s Law & Order Code, as in effect immediately prior to the effectiveness of this Code, shall expressly survive in accordance with the adopting resolution.

30-01-05. Rules and Regulation

A. The Governor, or his or her designee, in his or her executive capacity, may recommend enactment of rules and regulations as necessary to enforce this Code to the Tribal Council. Any such rule or regulation shall take effect only upon enactment by the Tribal Council.

B. The Court may enact rules of practice consistent with the Constitution and laws of the Pueblo to facilitate all matters necessary for efficient use of the Court’s time. The Court may, from time to time, request and recommend that the Council make changes to this Code to facilitate the efficient and orderly use of the Court’s resources.

1 **30-01-06. Effective Date**

2
3 A. This Code shall be effective (i) when approved by the Secretary of
4 Interior, or (ii) if the Secretary of the Interior does not disapprove this Code within one
5 hundred and twenty (120) days following receipt by the Superintendent of the Southern
6 Pueblos Agency, on the one hundred twenty-first (121st) day after such receipt by the
7 Superintendent, as provided at Article X, Section 1 of the Pueblo's Constitution.
8

9 B. This Code shall apply to all criminal conduct occurring after the effective
10 date of this Code as provided at Subsection A above and the Pueblo's Constitution. Any
11 proceeding conducted after the effective date of this Code with respect to criminal
12 conduct occurring before its effective date shall remain subject to the Law & Order Code
13 in effect prior to enactment of this Code.
14

15 **30-01-07. Budgeting of Funds; Allocation of Revenues**

16
17 A. The Legislature shall annually budget funds to effectuate the purpose of
18 this Code.
19

20 B. Revenues collected through this Code shall be allocated as may be
21 determined by the Tribal Council.
22

23 **30-01-08. Scope and Purpose**

24
25 A. This Code shall govern the activities of all persons acting within the
26 exterior boundaries of the Pueblo of Isleta Reservation.
27

28 B. Any portion of this Code that adopts the law of any state shall incorporate
29 and apply such state law as in effect on the date of the enactment of this Code, unless the
30 Tribal Council shall elect to amend this Code to incorporate changes to state law adopted
31 after the effective date of this Code.
32

33 C. The purpose of this Code is to protect the health, safety, and welfare of the
34 Pueblo of Isleta community members within the exterior boundaries of the reservation.
35

36 **30-01-09. Jurisdiction**

37
38 A. The judicial power of the Isleta Judiciary shall extend to:
39

- 40 1. All violations of the laws of the Pueblo of Isleta committed within
41 the exterior boundaries of the Pueblo of Isleta, within any other
42 lands held in trust for or owned in fee by the Pueblo of Isleta, or
43 within any other lands controlled by the Pueblo of Isleta ("Pueblo
44 Lands");
45

2. All civil actions in which one party is the Pueblo of Isleta, an unincorporated enterprise or wholly-owned entity thereof, or an official or employee of the Pueblo, acting in his or her official capacity;
3. All civil actions in which the cause of action arose, in whole or in part, on Pueblo Lands;
4. All other matters over which jurisdiction has been heretofore vested in the "Isleta Judiciary" or which may hereafter be placed within the jurisdiction of the Isleta Tribal Courts;

provided, however, that notwithstanding the foregoing or anything else contained in this Code, no claim, suit, or action, including a counterclaim, may be maintained against the Pueblo of Isleta, any unincorporated enterprise or wholly-owned entity thereof, or any official or employee of the Pueblo, acting in his or her official capacity, in the Isleta Tribal Courts or in any other forum, unless and to the extent that the Pueblo has expressly waived its sovereign immunity with respect to a particular claim or class of claim by (i) an ordinance or resolution duly adopted by the Tribal Council, or (ii) the express terms of a contract authorized by the Tribal Council and executed by the Governor or a Lieutenant Governor of the Pueblo, and such claim, suit, or action, is within the express scope of any such waiver.

B. The Pueblo of Isleta Judiciary shall deliver to the proper Federal authorities any offender over whom the Federal courts shall assert jurisdiction according to law.

C. No judgment shall be given on any civil suit unless the defendant has actually received notice of such suit and has at least fifteen (15) days in which to appear in court in his defense. Evidence of the receipt of the notice shall be kept as part of the record of the case.

D. The Pueblo of Isleta Tribe has original and absolute jurisdiction on any basis consistent with its sovereignty, Constitution, and laws to prosecute any Tribal member or any non-member Indian for acts covered under this Code, except as may be expressly limited by the laws of the United States.

E. The Pueblo of Isleta Tribe has jurisdiction, consistent with its sovereignty, Constitution and laws to maintain a civil enforcement action against non-Indians for acts prohibited or regulated under this Code, except as may be expressly limited by the laws of the United States. However, the remedies available in any such civil enforcement action shall be limited to civil forfeitures and community service only.

1 **30-01-10. Classification of Misdemeanors**

2
3 A. Misdemeanors under this Code shall be classified as follows:

- 4 1. Class A Misdemeanor.
5 2. Class B Misdemeanor.
6 3. Class C Misdemeanor.
7 4. Class D Misdemeanor.
8 5. Class E Misdemeanor.
9

10 B. Penalties for Misdemeanors are as follows:

- 11 1. Class A Misdemeanor, up to one hundred eighty (180) days
12 imprisonment, 360 hours of community service, a fine/forfeiture
13 not to exceed \$500.00, or any combination of the three.
14 2. Class B Misdemeanor, up to one hundred twenty (120) days
15 imprisonment, 240 hours of community service, a fine/forfeiture
16 not to exceed \$400.00, or any combination of the three.
17 3. Class C Misdemeanor, up to ninety (90) days imprisonment, 180
18 hours of community service, a fine/forfeiture not to exceed
19 \$300.00, or any combination of the three.
20 4. Class D Misdemeanor, up to sixty (60) days imprisonment, 120
21 hours of community service, a fine/forfeiture not to exceed
22 \$200.00, or any combination of the three.
23 5. Class E. Misdemeanor, up to thirty (30) days imprisonment, up to
24 sixty (60) hours of community service, a fine/forfeiture not to
25 exceed \$100.00, or any combination of the three.
26

27 **30-01-11. Classification of Forfeitures**

28
29 A. Forfeitures under this Code shall be assessed for the civil prosecution of
30 non-Indians only in lieu of a Class A, B, C, D, or E Misdemeanor, and shall be classified
31 as follows:

- 32 1. Class A forfeiture.
33 2. Class B forfeiture.
34 3. Class C forfeiture.
35 4. Class D forfeiture
36 5. Class E forfeiture
37

38 B. Forfeitures are as follows:

- 39 1. Class A forfeiture, a monetary assessment of up to \$500.00.
40 2. Class B forfeiture, a monetary assessment of up to \$400.00.
41 3. Class C forfeiture, a monetary assessment of up to \$300.00.
42 4. Class D forfeiture, a monetary assessment of up to \$200.00.
43 5. Class E forfeiture, a monetary assessment of up to \$100.00.
44
45

1 **30-01-12. Disposition of Fines and Forfeitures**

2
3 A. All fines and forfeitures imposed for the commission of an offense shall be
4 paid to the Isleta Tribal Court Clerk.

5
6 B. All monies collected for fines/forfeitures assessed under this Code shall be
7 submitted to the Pueblo of Isleta Treasury Department on a weekly basis. The Treasurer
8 shall issue the Court Clerk a receipt for the monies collected.

9
10 C. The Tribal Court Clerk shall prepare a quarterly statement of revenues and
11 shall submit such report to the Treasury Department, the Tribal Council, and the
12 Governor's Office.

13
14 D. Costs and Surcharges collected shall be allocated to the Judiciary as
15 determined by the Tribal Council.

16
17 **30-01-13. Increased Penalty for Habitual Criminality**

18
19 A. Any person who is a repeater, and the current crime is one for which
20 imprisonment may be imposed, is guilty of being habitually criminal.

21
22 B. Any person found guilty of being habitually criminal shall be subject to
23 the maximum term of imprisonment for the underlying crime up to an additional one
24 hundred and eighty days total imprisonment time, fines/forfeitures and community
25 service hours may be doubled.

26
27 A repeater is a person who has been convicted of a felony in any jurisdiction
28 within the United States of America or by a military tribunal during the five (5) year
29 period immediately preceding the commission of crime the person is currently being
30 sentenced for, or if the person has been convicted of misdemeanors in any jurisdiction
31 within the United States of America on three (3) separate occasions during the same
32 period.

33
34 **30-02 DEFENSES**

35
36 **30-02-01. Intoxication**

37
38 An intoxicated or drugged condition of the actor is a defense only if it was
39 involuntary and renders the actor incapable of distinguishing between right and wrong in
40 regard to the alleged criminal act at the time the act was committed or if it negates the
41 state of mind essential to committing the crime.

42
43 **30-02-02. Mistake**

44
45 A mistake may be a defense when an honest error, either of fact or law, negates
46 the state of mind essential to committing the crime.

1 **30-02-03. Adequate Provocation**

2
3 Adequate provocation, such that it is sufficient for a reasonable person to lose
4 self-control, is an affirmative defense only to reduce intentional homicide to reckless
5 homicide.
6

7 **30-02-04. Privilege**

8
9 If an actor's conduct is privileged, although otherwise prohibited, it is a defense to
10 the prosecution for any crime based upon that conduct. Privilege may be asserted when
11 an actor's conduct (1) is in defense of persons or property (2) is in good faith and is
12 authorized by the duties of public office, or (3) is a reasonable accompaniment of a
13 lawful arrest.
14

15 **30-02-05. Coercion**

16
17 A threat by a person which causes an actor to reasonably believe that his or her
18 act is the only means of preventing imminent death or great bodily harm to the actor or
19 another, which causes the actor to so act, is a defense to a prosecution for a crime based
20 upon that act, except for intentional homicide, which shall be reduced to reckless
21 homicide.
22

23 **30-02-06. Necessity**

24
25 Natural physical forces which cause the actor to reasonably believe that his or her
26 act is the only means of preventing imminent public disaster or imminent death or great
27 bodily harm to the actor or another, which causes the actor to so act is a defense to the
28 prosecution of a crime based upon that act, except for intentional homicide, which shall
29 be reduced to reckless homicide.
30

31 **30-02-07. Self Defense and Defense of Others**

32
33 A. A person is privileged to threaten or intentionally use force against another
34 for the purpose of preventing or terminating what the person reasonably believes to be an
35 unlawful interference with his or her person by such other person, but may only use such
36 force as is necessary to terminate the threat or interference.
37

38 B. This §30-02-07 is inapplicable when a person provokes an attack, whether
39 by lawful or unlawful conduct, with the intent to use such provocation as an excuse to
40 cause death or great bodily harm to another
41

30-03 INCHOATE CRIMES

30-03-01. Attempt

A. Any person who, with the intent to commit a specific offense, does any act that constitutes a substantial step towards the commission of that offense, is guilty of an attempt.

B. Any person found guilty of attempt may be sentenced to a term of imprisonment not to exceed one-half the maximum sentence of the underlying offense, community service not to exceed one-half the maximum sentence for the underlying offense, payment of a fine/forfeiture not to exceed one-half the maximum fine for the underlying offense, or any combination of the three.

C. It shall be an affirmative defense to attempt if the person voluntarily abandoned his or her efforts to commit the specific offense, or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his or her criminal purpose. Renunciation is not complete if it is in response to law enforcement surveillance or detection, or to postpone the criminal conduct until a more advantageous time, or to transfer the criminal effort to another similar objective.

30-03-02. Conspiracy

A. Any person who combines efforts with another person(s) by taking overt action to commit a crime, whether or not he or she is aware of the identity of all conspirators, is guilty of conspiracy. If a person conspires to commit multiple crimes, he or she is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or a continuous conspiratorial relationship.

B. Any person found guilty of conspiracy may be sentenced to a term of imprisonment not to exceed the maximum sentence for the underlying offense, community service not to exceed the maximum sentence for the underlying offense, payment of a fine/forfeiture not to exceed the maximum fine/forfeiture for the underlying offense, or any combination of the three.

C. It is an affirmative defense to conspiracy if the person voluntarily and completely renounces his or her criminal intent by halting any further actions to commit the crime or crimes and by giving timely warning to law enforcement authorities of the conduct or result which is the object of the conspiracy, or otherwise making a reasonable effort to prevent such conduct or result. Renunciation is not complete if it is in response to law enforcement surveillance or detection, or to postpone the criminal conduct until a more advantageous time, or to transfer the criminal effort to another similar objective.

1 **30-03-03. Solicitation**

2
3 A. Any person who purposely promotes or pays another to commit a crime,
4 whether or not the commission of the crime is accomplished, is guilty of solicitation.

5
6 B. Any person found guilty of solicitation may be sentenced to a term of
7 imprisonment not to exceed the maximum sentence for the underlying offense,
8 community service not to exceed the maximum sentence for the underlying offense,
9 payment of a fine/forfeiture not to exceed the maximum fine/forfeiture for the underlying
10 offense, or any combination of the three.

11
12 C. It is an affirmative defense that the actor, after soliciting another person to
13 commit a crime, persuaded him or her not to do so or otherwise prevented the
14 commission of the crime, manifesting a complete and voluntary renunciation of his or her
15 criminal purpose. Renunciation is not complete if it is in response to law enforcement
16 surveillance or detection or is motivated by a decision to postpone the criminal conduct
17 until a more advantageous time or to transfer the criminal effort to another but similar
18 objective.

19
20 **30-03-04. Accomplice to a Crime**

21
22 A. Any person who, purposefully promotes or facilitates the commission of
23 an offense by aiding or attempting to aid such other person in committing an offense is
24 guilty of being an accomplice.

25
26 B. Any person found guilty of being an accomplice may be sentenced to a
27 term of imprisonment not to exceed one half (1/2) the maximum sentence for the
28 underlying offense, community service not to exceed one-half the maximum sentence for
29 the underlying offense, payment of a fine/forfeiture not to exceed one-half the maximum
30 fine/forfeiture for the underlying offense, or any combination of the three.

31
32
33 **30-04 CRIMES AGAINST BODILY SECURITY**

34
35 **30-04-01. Intentional Homicide**

36
37 A. Any person who intentionally causes the death of another human being
38 is guilty of intentional homicide.

39
40 B. Any person found guilty of intentional homicide is guilty of a Class A
41 Misdemeanor.

1 **30-04-02. Reckless Homicide**

2
3 A. Any person who causes the death of another human being under
4 circumstances that show utter disregard for human life is guilty of reckless homicide.

5
6 B. Any person found guilty of reckless homicide is guilty of a Class A
7 Misdemeanor.

8
9 **30-04-03. Assault**

10
11 A. Any person who intentionally, knowingly or recklessly commits the
12 following is guilty of Assault:

- 13
14 1. attempts to commit a battery upon another; or
15 2. places another in reasonable apprehension of an immediate battery.

16
17 B. Any person found guilty of Assault is guilty of a Class D Misdemeanor.

18
19 *Amended by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*

20
21 **30-04-04. Aggravated Assault**

22
23 A. Any person who intentionally, knowingly or recklessly commits the
24 following is guilty of Aggravated Assault:

- 25
26 1. places another in reasonable apprehension of immediate physical
27 injury; or
28 2. threatens another with a deadly or dangerous weapon;
29 3. threatens another with intent to commit physical injury; or
30 4. assaults a Pueblo of Isleta government official who is acting in
31 his/her official capacity or as a result of his/her official capacity.

32
33 B. Any person found guilty of Aggravated Assault is guilty of a Class C
34 Misdemeanor.

35 *Amended by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*

36
37
38 **30-04-05. Assault with Intent to Commit Rape**

39
40 A. Any person who intentionally, knowingly, or recklessly causes any injury
41 to another person with the intent to injure, insult, or provoke such person while placing a
42 person in reasonable apprehension of imminent physical injury or threatens a person with
43 rape is guilty of assault with intent to commit rape.

44
45 B. Any person found guilty of assault with intent to commit rape is guilty of a
46 Class A Misdemeanor.

1 **30-04-06. Assault With Intent to Cause Serious Physical Injury**

2
3 A. Any person who intentionally, knowingly, or recklessly causes any injury
4 to another person with the intent to injure, insult, or provoke such person while placing a
5 person in reasonable apprehension of imminent physical injury or threatens a person with
6 serious physical injury is guilty of assault with intent to cause serious physical injury.
7

8 B. Any person found guilty of assault with intent to cause serious physical
9 injury is guilty of a Class B Misdemeanor.
10

11 **30-04-07. Assault With Intent to Kill**

12
13 A. Any person who intentionally, knowingly, or recklessly causes any injury
14 to another person with the intent to injure, insult, or provoke such person while placing a
15 person in reasonable apprehension of imminent physical injury or threatens a person with
16 death, even if not imminent, is guilty of assault with intent to kill.
17

18 B. Any person found guilty of assault with intent to kill is guilty of a Class A
19 Misdemeanor.
20

21 **30-04-08. Harassment**

22
23 A. Any person who knowingly pursues a pattern of conduct intended to
24 annoy, seriously alarm, or terrorize another person which causes substantial emotional
25 distress is guilty of harassment.
26

27 B. Any person found guilty of harassment is guilty of a Class D
28 Misdemeanor.
29

30 C. Any person found guilty of harassment of the same person on more than
31 two occasions will be subject to an increased penalty of up to one hundred eighty (180)
32 days in jail, community service not to exceed two times the maximum sentence for the
33 underlying offense, payment of a fine/forfeiture not to exceed two times the maximum
34 fine for the underlying offense, or any combination of the three.
35

36 **30-04-09. Stalking**

37
38 A. Any person who intentionally or knowingly engages in a pattern of
39 repeated conduct over a period of time, such as maintaining physical proximity to the
40 person; approaching or confronting the person; appearing at the person's workplace or
41 contacting the person's employer or co-workers; entering property owned, leased, or
42 occupied by the person; contacting the person by phone; placing or delivering objects to
43 the person's place of work or residence which causes a reasonable person to fear for his
44 or her own safety or the safety of his or her immediate family is guilty of stalking.
45

46 B. Any person found guilty of stalking is guilty of a Class C Misdemeanor.

1 C. Any person found guilty of stalking of the same person on more than two
2 occasions will be subject to an increased penalty of up to one hundred eighty (180) days
3 in jail, community service not to exceed two times the maximum sentence for the
4 underlying offense, payment of a fine/forfeiture not to exceed two times the maximum
5 fine for the underlying offense, or any combination of the three.
6

7 **30-04-10. Threatening or Intimidating**
8

9 A. Any person who threatens or intimidates a person by word or conduct that
10 causes physical injury to another or damage to property, or causes serious public
11 inconvenience including, but not limited to, evacuation of a building or place of assembly
12 is guilty of threatening or intimidating.
13

14 B. Any person found guilty of threatening or intimidating is guilty of a Class
15 D Misdemeanor.
16

17 **30-04-11. Kidnapping**
18

19 A. Any person who willfully takes, keeps, or entices away a child under the
20 age of 18 years from his or her parent(s), guardian(s) or custodian(s) without the consent
21 of the parent, guardian, or custodian is guilty of kidnapping.
22

23 B. Any person found guilty of kidnapping is guilty of a Class A
24 Misdemeanor.
25

26 **30-04-12. Custodial Interference**
27

28 A. Any person who entices away or keeps from lawful custody of another any
29 child less than eighteen (18) years of age or any incompetent entrusted by authority of
30 law to the custody of another person or institution is guilty of custodial interference. If a
31 child is born out of wedlock, the mother of the child is the legal custodian of the child for
32 the purposes of this section until paternity is established and the Court determines
33 custody. Each 24-hour period of custodial interference shall be deemed a separate count.
34

35 B. Any person found guilty of custodial interference is guilty of a Class C
36 Misdemeanor.
37

38 **30-04-13. False Imprisonment**
39

40 A. Any person who intentionally confines or restrains another without the
41 person's consent and with knowledge that he or she has no lawful authority to do so is
42 guilty of false imprisonment.
43

44 B. Any person found guilty of false imprisonment is guilty of a Class A
45 Misdemeanor.
46

1 **30-04-14. Violation of an Injunction**

2
3 A. Any person who intentionally and knowingly violates a temporary
4 restraining order or injunction issued by the Court for the protection of a natural person
5 or persons shall be guilty of violation of an injunction.
6

7 B. Any person found guilty of violation of an injunction is guilty of a Class C
8 Misdemeanor.
9

10 **30-04-15. Battery**

11
12 A. A person who intentionally or knowingly touches or applies force to
13 another in an unlawful, rude or angry manner is guilty of Battery.
14

15 B. Any person found guilty of Battery is guilty of a Class C Misdemeanor.
16

17 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
18

19 **30-04-16. Aggravated Battery**

20
21 A. Any person who intentionally or knowingly commits the following on
22 another is guilty of Aggravated Battery:
23

- 24 1. causes physical injury or temporary disfigurement; or
- 25 2. touches or applies force with a deadly or dangerous weapon; or
- 26 3. causes serious physical injury.
27

28 B. Any person found guilty of Aggravated Battery causing physical injury or
29 temporary disfigurement is guilty of a Class B Misdemeanor.
30

31 C. Any person found guilty of Aggravated Battery causing serious physical
32 injury or with a deadly or dangerous weapon is guilty of a Class A Misdemeanor.
33

34 D. In addition, any deadly or dangerous weapon used to commit this offense
35 shall be forfeited by order of the Court to the Isleta Police Department and such individual
36 may be required to turn over all firearms in his/her possession to the Isleta Police
37 Department.
38

39 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
40

41 **30-04-17. Assault on a Police Officer**

42
43 A. Any person who intentionally or knowingly attempts to commit a battery
44 on a known, uniformed or otherwise easily identifiable law Police Officer, acting in an
45 official capacity or as a result of his/her official capacity is guilty of Assault on a Police
46 Officer.

1 B. Any person found guilty of Assault on a Police Officer is guilty of a Class
2 D Misdemeanor.

3
4 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
5

6 **30-04-18. Aggravated Assault on a Police Officer**
7

8 A. Any person who intentionally or knowingly commits any of the following
9 on a known, uniformed or otherwise identifiable law Police Officer, acting in an official
10 capacity or as a result of his/her official capacity is guilty of Aggravated Assault on a
11 Police Officer;

- 12
13 1. places a Police Officer in reasonable apprehension of an immediate
14 physical injury, or
15 2. threatens a Police Officer with a deadly or dangerous weapon; or
16 3. threatens a Police Officer with intent to commit physical injury.
17

18 B. Any person found guilty of Aggravated Assault on a Police Officer is
19 guilty of a Class C Misdemeanor.
20

21 C. In addition, any deadly or dangerous weapon used to commit the offense
22 shall be forfeited by order of the Court to the Isleta Police Department and such
23 individual may be required to turn over all firearms in his/her possession to the Isleta
24 Police Department.
25

26 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
27

28 **30-04-19. Battery on a Police Officer**
29

30 A. Any person who intentionally or knowingly touches or applies force in an
31 unlawful, rude or angry manner to a known, uniformed, or otherwise easily identifiable
32 Police Officer acting in an official capacity or as a result of his/her official capacity is
33 guilty of Battery on a Police Officer.
34

35 B. Any person found guilty of Battery on a Police Officer is guilty of a Class
36 C Misdemeanor.
37

38 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
39

40 **30-04-20. Aggravated Battery on a Police Officer**
41

42 A. Any person who intentionally or knowingly commits any of the following
43 on a known, uniformed, or otherwise easily identifiable Police Officer, acting in an
44 official capacity or as a result of their official capacity is guilty of Aggravated Battery on
45 a Police Officer:
46

1. causes physical injury or temporary disfigurement to a Police Officer; or
2. touches or applies force to a Police Officer with a deadly or dangerous weapon; or
3. causes serious physical injury.

B. Any person found guilty of Aggravated Battery on a Police Officer causing physical injury or temporary disfigurement is guilty of a Class B Misdemeanor.

C. Any person found guilty of Aggravated Battery on a Police Officer causing serious physical injury or with a deadly or dangerous weapon is guilty of a Class A Misdemeanor.

D. In addition, any deadly or dangerous weapon used to commit the offense shall be forfeited by order of the Court to the Isleta Police Department and such individual may be required to turn over all firearms in his/her possession to the Isleta Police Department.

Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.

30-05 CRIMES AGAINST CHILDREN

30-05-01. Abuse of a Child

A. Any person who intentionally, recklessly, or negligently (1) causes physical injury, or death of a child, (2) acts of cruelty to a child by confining the child, (3) tortures a child, (4) neglects a child by failing to adequately feed and protect the child from inclement weather, or (5) allows another person to perpetuate such acts against the child is guilty of child abuse.

B. Any person found guilty of child abuse is guilty of a Class B Misdemeanor.

C. It shall be a defense to a charge of child abuse if the person having custody or care of a child uses appropriate physical force upon the child only to the extent reasonably necessary and appropriate to maintain discipline, to protect the child from injuring him or herself or others, or in self-defense.

30-05-02. Obstruction of Investigation of Injuries to a Child

A. Any person having custody or control of medical, psychological, or other records (a "Records Custodian"), which may aid in the investigation of a report of injury to a child, is required to provide such records to the Isleta Police Department or Isleta Social Services upon written request. The Records Custodian may remove reference to identification of persons other than the child, prescription or medical treatment information, or other sensitive information as necessary, to protect patient confidentiality.

1 Any person who fails to provide the appropriate information shall be guilty of obstruction
2 of investigation of injuries to a child.

3
4 B. Any Records Custodian found guilty of obstruction of investigation of
5 injuries to a child is Guilty of a Class C Misdemeanor.

6
7 **30-05-03. Abandonment of a Child**

8
9 A. Any person having the responsibility for the care and welfare of a child
10 who intentionally leaves or abandons the child so that the child may or does suffer
11 neglect is guilty of abandonment of a child.

12
13 B. Any person found guilty of abandonment of a child is guilty of a Class C
14 Misdemeanor.

15
16 **30-05-04. Failure to Support a Dependent**

17
18 A. Any person who knowingly fails to provide financial support to a child
19 whom they are legally obligated to support, whether the child is born in or out of wedlock
20 or to another dependent, is guilty of failure to support a dependent.

21
22 B. Any person found guilty of failure to support a dependent is guilty of a
23 Class C Misdemeanor.

24
25 **30-05-05. Contributing to the Delinquency of a Minor**

26
27 A. Any person who intentionally, negligently, or recklessly encourages,
28 contributes to, or aids a minor in committing a delinquent act or a criminal offense is
29 guilty of contributing to the delinquency of a minor.

30
31 B. Any person found guilty of contributing to the delinquency of a minor is
32 guilty of a Class E Misdemeanor.

33
34 **30-05-06. Failure to Send a Child to School**

35
36 A. Any person who, without justification or excuse, fails to send or deliver a
37 child under his or her care and supervision to school is guilty of a failure to send a child
38 to school.

39 B. Any person found guilty of failing to send a child to school is guilty of a
40 Class E Misdemeanor. Each day of school missed shall be considered a separate
41 offense.

1 **30-05-07. Enticement of a Child**

2
3 A. Any person who invites, persuades, or attempts to persuade a child to enter
4 a vehicle, building, room, or other secluded area with the intent to commit a crime against
5 that child is guilty of enticement of a child.
6

7 B. Any person found guilty of enticement of a child is guilty of a Class B
8 Misdemeanor.
9

10 **30-05-08. Molestation of a Child**

11
12 A. Any person who knowingly has sexual contact with a child age fourteen
13 (14) years or younger by directly or indirectly touching, fondling, or manipulating any
14 part of the genitals, anus, or female breast, by any part of the body or by any object, or
15 who causes a child under the age of fourteen years to directly or indirectly touch, fondle,
16 or manipulate any part of a genital, anus, or female breast of another person is guilty of
17 child molestation.
18

19 B. Any person found guilty of child molestation is guilty of a Class A
20 Misdemeanor.
21

22 **30-05-09. Sexual Conduct With a Minor**

23
24 A. Any person who intentionally or knowingly engages in sexual intercourse
25 or oral sexual contact with any person who is at least fifteen years of age, but less than
26 eighteen years of age, shall be guilty of sexual conduct with a minor.
27

28 B. Any person found guilty of sexual conduct with a minor at least fifteen
29 years of age, but less than eighteen years, is guilty of a Class E Misdemeanor.
30

31 **30-05-10. Public Sexual Indecency to a Minor**

32
33 A. Any person who intentionally, knowingly, or recklessly engages in any act
34 involving contact between a person's mouth, vulva, genitals, or anus and the genitals or
35 anus of another person or animal in front of a minor under the age of fifteen, is guilty of
36 public sexual indecency to a minor.
37

38 B. Any person found guilty of public sexual indecency to a minor is guilty of
39 a Class C Misdemeanor.
40

41 **30-05-11. Sexual Exploitation of a Child**

42
43 A. Any person who knowingly records, films, photographs, duplicates,
44 distributes, transports, sells, purchases, or possesses any visual or print medium in which
45 children are engaged in sexual conduct is guilty of sexual exploitation of a child.
46

1 B. Any person found guilty of sexual exploitation of a child is guilty of a
2 Class B Misdemeanor.

3
4 **30-05-12. Commercial Sexual Exploitation of a Child**

5
6 A. Any person who knowingly permits, uses, employs, persuades, entices,
7 induces, coerces, finances, or transports in or across the Pueblo of Isleta Reservation a
8 minor to engage in, or assist others to engage in, sexual conduct, produce any visual or
9 print medium, or a live act depicting such conduct for the purpose of monetary gain is
10 guilty of commercial sexual exploitation of a child.

11
12 B. In a prosecution relating to the commercial sexual exploitation of a child,
13 the trier of fact may draw the inference that a participant is a minor if the visual or print
14 medium or live act through its title, text, or visual representation depicts the participant as
15 a minor.

16
17 C. Any person found guilty of commercial sexual exploitation of a child is
18 guilty of a Class B Misdemeanor.

19
20 **30-05-13. Defenses to Sexual Contact With a Child**

21
22 A. It is a defense to prosecution if the act was done in furtherance of lawful
23 medical practice.

24
25 B. It is a defense to prosecution if the act was done by a duly licensed
26 physician or registered nurse, or a person acting under his or her direction, or any person
27 who renders emergency care at the scene of an emergency occurrence, which consists of
28 administering a recognized and lawful form of treatment that is reasonably adapted to
29 promoting the health of the patient, or if the person rendering emergency care reasonably
30 believed that no competent person was available to give consent, but that a reasonable
31 person, wishing to safeguard the welfare of the patient, would consent.

32
33 C. It is a defense to prosecution if the person committing the act is, or was,
34 the spouse of the child at the time the act occurred, and the act was consensual.

35
36 D. It is a defense to prosecution if both the defendant and the child are of the
37 age of fifteen, sixteen, or seventeen and the conduct was consensual.

38
39 **30-06 WEAPONS OFFENSES**

40
41 **30-06-01. Carrying a Concealed Weapon**

42
43 A. Any person who possesses or carries a weapon that is hidden from plain
44 view on or about his or her person or within his or her immediate control is guilty of
45 carrying a concealed weapon. This section does not apply to any person authorized by
46 any tribal government, state government, or by the government of the United States to

1 carry such weapon.
2

3 B. Any person found guilty of carrying a concealed weapon is guilty of a
4 Class C Misdemeanor.
5

6 **30-06-02. Unlawful Possession of Deadly or Dangerous Weapon**
7

8 A. Any person who owns or possesses a deadly or dangerous weapon must
9 show that the weapon was legally purchased and registered if a firearm, that the weapon
10 is maintained in the person's own residence for his or her lawful protection, is maintained
11 in a privately-owned automobile for his or her lawful protection, is used for lawful
12 hunting or sporting purposes, or is possessed by a person authorized to do so by any tribal
13 or state government or the United States Government. Any person who possesses a
14 deadly or dangerous weapon without meeting the requirements of this Section is guilty of
15 unlawful possession of a deadly or dangerous weapon. Any person who violates a lawful
16 court order to relinquish firearms is guilty of unlawful possession of a deadly or
17 dangerous weapon.
18

19 B. Any person found guilty of unlawful possession of a deadly or dangerous
20 weapon is guilty of a Class D Misdemeanor.
21

22 **30-06-03. Possession of Deadly or Dangerous Weapons on School Grounds or at**
23 **School Activities**
24

25 A. Any person, except for a Police Officer in the performance of his or her
26 official duties, who possesses a deadly or dangerous weapon on school grounds, at a
27 school sponsored activity, in a school building, or on school provided transportation is
28 guilty of possession of deadly or dangerous weapons on school grounds or at school
29 activities.
30

31 B. Any person found guilty of possession of deadly or dangerous weapons on
32 school grounds or at school activities is guilty of a Class C Misdemeanor.
33

34 **30-06-04. Possession of Deadly or Dangerous Weapons by Persons Convicted of**
35 **Crimes of Violence**
36

37 A. Any person previously convicted for any crime of violence who thereafter
38 possesses any deadly or dangerous weapon is guilty of possession of deadly or dangerous
39 weapons after conviction of a crime of violence.
40

41 B. Any person found guilty of possession of a deadly or dangerous weapon
42 after conviction of a crime of violence is guilty of a Class C Misdemeanor.
43
44

1 **30-06-05. Negligent Use of Deadly Weapon**

2
3 A. Any person who (1) discharges a firearm into a building, (2) discharges a
4 firearm into a vehicle, (3) discharges a firearm into or near a residence, (4) carries a
5 firearm while intoxicated, or (5) otherwise endangers the safety of another person by
6 using a firearm in a careless manner is guilty of negligent use of a deadly weapon.
7

8 B. Any person found guilty of negligent use of a deadly weapon is guilty of a
9 Class C Misdemeanor.
10

11 **30-06-06. Reckless Storage of a Firearm**

12
13 A. Any person is guilty of reckless storage of a firearm if (1) he or she stores
14 or leaves a loaded firearm within the reach or easy access of a child who is fourteen (14)
15 years of age or younger, and (2) the child obtains the firearm without the lawful
16 permission of his or her parent or guardian or the person having charge of the child, (3)
17 the child discharges the firearm, and (4) the discharge causes harm to the child or another
18 person.
19

20 B. Any person found guilty of reckless storage of a firearm is guilty of a
21 Class C Misdemeanor
22

23 **30-06-07. Drive By Shooting**

24
25 A. Any person who intentionally or knowingly discharges a firearm from a
26 vehicle so as to injure or kill another person and flees the scene is guilty of a drive-by
27 shooting.
28

29 B. Any person found guilty of a drive-by shooting is guilty of a Class B
30 Misdemeanor.
31

32 **30-06-08. Misuse of Fireworks or Explosives**

33
34 A. Any person who intentionally or knowingly arms fireworks or explosives
35 and uses them for the purpose of injuring another is guilty of misuse of fireworks or
36 explosives.
37

38 B. Any person found guilty of misuse of fireworks or explosives is guilty of a
39 Class D Misdemeanor.
40

41 **30-06-09. Communicating a Bomb Scare**

42
43 A. Any person who intentionally conveys, or causes to be conveyed, any
44 threat or false information, known by such person to be false, concerning an attempt or
45 alleged attempt being made or to be made to destroy any property by the means of
46 explosives shall be guilty of communicating a bomb scare.

B. Any person found guilty of communicating a bomb scare is guilty of a Class D Misdemeanor.

30-07 NUISANCES

30-07-01. Public Nuisance

A. Any person who unlawfully endangers the health or safety of another or interferes with another's enjoyment of property by willfully or negligently causing a hazardous, unsightly, or unhealthy condition to exist on public property, or a premise, or place where persons are known to gather for purposes of engaging in lawful conduct is guilty of a public nuisance.

B. Any person found guilty of a public nuisance is guilty of a Class E Misdemeanor.

30-07-02. Polluting Water

A. Any person who intentionally or knowingly discards objects or substances into any waterway, river, tributary, stream, lake, pond, reservoir, canal, ditch, or spring that causes it to become dangerous for human or animal consumption or use is guilty of polluting water.

B. Any person found guilty of polluting water is guilty of a Class C Misdemeanor.

30-07-03. Littering

A. Any person who intentionally or knowingly discards or deposits any litter upon any highway, public place, or upon any land not his or her own, or permits any litter to be thrown from a vehicle which he or she is operating is guilty of littering.

B. Any person found guilty of littering is guilty of a Class E Misdemeanor.

30-07-04. Abandonment of Dangerous Containers

A. Any person who abandons, discards, or keeps in a place and manner accessible to children any refrigerator, icebox, freezer, airtight container, cabinet, trunk, or any similar container that could imprison a child is guilty of abandoning a dangerous container.

B. Any person found guilty of abandoning a dangerous container is guilty of a Class D Misdemeanor.

1 **30-07-05. Abandonment of Hazardous Materials**

2
3 A. Any person who intentionally or knowingly discards hazardous materials,
4 as defined in Chapter 49 of the Code of Federal Regulations, upon any highway, public
5 place, land, or waterway, other than a specifically designated hazardous waste removal
6 site, is guilty of unlawfully abandoning hazardous materials.
7

8 B. Any person found guilty of unlawfully abandoning hazardous materials is
9 guilty of a Class D Misdemeanor.
10

11 **30-08 SEXUAL OFFENSES**

12
13 **30-08-01. Prostitution**

14
15 A. Any person who solicits or practices prostitution or knowingly provides,
16 keeps, rents, leases, or otherwise maintains any place or premises for the purpose of
17 prostitution is guilty of prostitution.
18

19 B. Any person found guilty of prostitution is guilty of a Class D
20 Misdemeanor.
21

22 **30-08-02. Indecent Exposure**

23
24 A. Any person who exposes his or her genitals or anus or a female who
25 exposes the nipple of her breast(s) to another person in public, with reckless disregard for
26 whether a reasonable person would be offended or alarmed by the act, is guilty of
27 indecent exposure.
28

29 B. Any person found guilty of indecent exposure is guilty of a Class E
30 Misdemeanor.
31

32 **30-08-03. Public Sexual Indecency**

33
34 A. Any person who intentionally, knowingly, or recklessly engages in an act
35 of sexual conduct, including any act involving contact between a person's mouth, vulva,
36 genitals or anus, and the genitals or anus of another person or animal in public or before
37 another person with reckless disregard as to whether a reasonable person would be
38 offended or alarmed by such act, is guilty of public sexual indecency.
39

40 B. Any person found guilty of public sexual indecency is guilty of a Class C
41 Misdemeanor.
42
43

1 **30-08-04. Knowingly Transmitting a Contagious Disease**

2
3 A. Any person who knows, or has, or has reason to know that he or she is
4 infected with a venereal disease, active tuberculosis, Acquired Immune Deficiency
5 Syndrome (A.I.D.S.), or other contagious disease capable of being transmitted by sexual
6 contact or through use of unsanitary drug paraphernalia, who willfully exposes another to
7 the disease without their knowledge and consent and such exposure causes the other to be
8 infected with the contagious disease is guilty of knowingly transmitting a contagious
9 disease.

10
11 B. Any person found guilty of knowingly transmitting a contagious disease is
12 guilty of a Class A Misdemeanor.

13
14 **30-08-05. Sexual Assault**

15
16 A. Any person who engages in sexual intercourse or oral sexual contact
17 without consent of another person is guilty of sexual assault.

18
19 B. Any person found guilty of sexual assault is guilty of a Class B
20 Misdemeanor.

21
22 C. In addition to any sentence imposed under this section, if the person found
23 guilty of sexual assault has previously been convicted of sexual assault, the person shall
24 not be eligible for suspension or commutation of sentence, probation, pardon, parole,
25 work furlough, or release from confinement until the sentence imposed by the Court has
26 been served. The sentence imposed under this section shall be consecutive to any other
27 sentence imposed.

28
29 **30-08-06. Sexual Assault of a Spouse**

30
31 A. Any person who engages in sexual intercourse or oral sexual contact with
32 his or her spouse without the consent of the spouse by the use or threat of force or
33 violence against the spouse or another person is guilty of sexual assault of a spouse.

34
35 B. Any person found guilty of sexual assault of a spouse is guilty of a Class
36 B Misdemeanor.

37
38 C. In addition to any sentence imposed under this section, if the person found
39 guilty of sexual assault of a spouse has previously been convicted of sexual assault of a
40 spouse, the person shall not be eligible for suspension or commutation of sentence,
41 probation, pardon, parole, work furlough, or release from confinement until the sentence
42 imposed by the Court has been served. The sentence imposed under this section shall be
43 consecutive to any other sentence imposed.

1 **30-10 MARITAL AND FAMILIAL OFFENSES**

2
3 **30-10-01. Bigamy**

4
5 A. Any person who marries one or more persons while already having a
6 spouse is guilty of bigamy, unless such spouse has been missing for five successive years
7 or more or either spouse has been granted a divorce by a court of competent jurisdiction.
8

9 B. Any person found guilty of bigamy is guilty of a Class C Misdemeanor.
10

11 **30-10-02. Incest**

12
13 A. A person who has sexual intercourse with another person knowing that he
14 or she and such person are related, whether naturally or through adoption, as any of the
15 following is guilty of incest:

- 16 1. Parent and child,
17 2. Grandparent and grandchild (any degree),
18 3. Siblings,
19 4. Uncle and niece/nephew,
20 5. Aunt and nephew/niece, or
21 6. First cousins.
22

23 B. A person found guilty of incest is guilty of a Class C Misdemeanor.
24

25 **30-10-03. Domestic Violence**

26
27 A. Any person who does either of the following shall be prosecuted for
28 Domestic Violence against a household member:

- 29 1. attempts to commit a battery against a household member; or
30 2. any unlawful act, threat, or menacing conduct that causes a
31 household member to reasonably believe that he or she is in danger
32 of receiving an immediate battery.
33

34 B. Any person found guilty of domestic abuse is guilty of a Class E
35 Misdemeanor. In addition, the individual's firearms shall be forfeited to the Court and
36 such individual shall be required to turn over all firearms in their possession to the Police
37 Department.
38

39 **30-10-04. Aggravated Assault Against a Household Member**

40
41 A. Any person who intentionally or knowingly commits the following is guilty
42 of Aggravated Assault on a Household Member:

- 43
44 1. places a Household Member in reasonable apprehension of immediate
45 physical injury; or
46 2. threatens a Household Member with a deadly or dangerous weapon; or

1 3. threatens a Household Member with intent to commit physical injury.
2

3 B. Any person found guilty of aggravated Assault against a household
4 member is guilty of a Class C Misdemeanor. In addition, the individual's firearms shall
5 be forfeited to the Court and such individual shall be required to turn over all firearms in
6 their possession to the Police Department.
7

8 C. In addition, any deadly or dangerous weapon used to commit the offense
9 shall be forfeited by order of the Court to the Isleta Police Department and such
10 individual shall be required to turn over all firearms in his/her possession to the Isleta
11 Police Department.
12

13 *Amended by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
14

15 **30-10-05. Battery Against a Household Member**
16

17 A. Any person who intentionally or knowingly touches or applies force to a
18 Household Member in an unlawful, rude or angry manner is guilty of Battery on a
19 Household Member.
20

21 B. Any person found guilty of Battery on a Household Member is guilty of a
22 Class C Misdemeanor.
23

24 C. In addition, any dangerous or deadly weapon used to commit the offense
25 shall be forfeited by order of the Court to the Isleta Police Department and such
26 individual shall be required to turn over all firearms in his/her possession to the Isleta
27 Police Department.
28

29 *Amended by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
30

31 **30-10-06. Elder Abuse**
32

33 A. Any person who intentionally inflicts physical pain, injury, or unlawful
34 confinement upon an elder is guilty of elder abuse.
35

36 B. Any person found guilty of elder abuse is guilty of a Class C
37 Misdemeanor. In addition, the individual's firearms shall be forfeited to the Court, and
38 such individual shall be required to turn over all firearms in their possession to the Police
39 Department.
40
41

1 **30-10-07. Neglect of an Elder**

2
3 A. Any person who is responsible for the care, or who assumes responsibility
4 for the care of, an elder's welfare who, through his or her actions or failure to take action,
5 intentionally contributes to the neglect of the elder is guilty of neglect of an elder.
6

7 B. Any person found guilty of neglect of an elder is guilty of a Class D.
8 Misdemeanor,
9

10 C. If the elder dies as a result of the neglect, then the penalty for violation is a
11 Class A Misdemeanor.
12

13 **30-10-08. Financial Abuse of an Elder**

14
15 A. Any person who takes, uses, converts, extorts, coerces, or steals the
16 property of an elder shall be guilty of financial abuse of an elder.
17

18 B. Any person found guilty of financial abuse of an Elder is guilty of a Class
19 D Misdemeanor.
20

21 **30-10-09. Assault on a Household Member**

22
23 A. Any person who intentionally, knowingly or recklessly commits the
24 following is guilty of Assault on a Household Member:

- 25 1. attempts to commit battery upon a household member; or
26 2. places a household member in reasonable apprehension of an
27 immediate battery.
28

29 B. A person found guilty of Assault on a Household Member is guilty of a
30 Class D Misdemeanor.
31

32 C. In addition, any deadly or dangerous weapon used to commit this offense
33 shall be forfeited by order of the Court to the Isleta Police Department and such individual
34 shall be required to turn over all firearms in his/her possession to the Isleta Police
35 Department.
36

37 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*
38

39 **30-10-10. Aggravated Battery on a Household Member**

40
41 A. Any person who intentionally or knowingly commits the following on a
42 Household Member is guilty of Aggravated Battery on a Household Member:
43

- 44 1. causes physical injury or temporary disfigurement; or
45 2. touches or applies force with a deadly or dangerous weapon; or
46 3. causes serious physical injury.

1 B. Any person found guilty of Aggravated Battery on a Household Member
2 causing physical injury or temporary disfigurement is guilty of a Class B Misdemeanor.

3
4 C. Any person found guilty of Aggravated Battery on a Household Member
5 causing serious physical injury or with a deadly or dangerous weapon is guilty of a Class
6 A Misdemeanor.

7
8 D. In addition, any deadly or dangerous weapon used to commit the offense
9 shall be forfeited by order of the Court to Isleta Police Department and such individual
10 shall be required to turn over all firearms in his/her possession to the Isleta Police
11 Department.

12
13 *Enacted by Tribal Council Motion on September 20, 2017, a vote count of 7-0-0.*

14 15 16 **30-11 ABUSE OF PRIVACY**

17 18 **30-11-01. Defamation**

19
20 A. Any person who, with malice towards another and with intent to harm
21 another's reputation or relationship with others, makes, publishes, declares, sells,
22 circulates, or otherwise communicates to any third person in an unprivileged
23 communication a statement, knowing the statement is false or in reckless disregard of the
24 truthfulness of such statement, which exposes such other person to public hatred,
25 contempt, or ridicule is guilty of defamation. It shall be sufficient to constitute
26 defamation if the natural consequence of the communication is injury to the person
27 although no actual injury to his or her reputation has been proven.

28
29 B. Any person found guilty of defamation is guilty of a Class D
30 Misdemeanor.

31 C. It is a defense to the charge of defamation if the statement is true.

32
33 D. No statements made in the course of a legislative or judicial proceeding,
34 whether true or false, shall be considered defamation.

35 36 **30-11-02. Disturbance, Removal or Destruction of Antiquities**

37
38 A. Any person who, without proper authority, disturbs, removes, excavates,
39 injures, destroys, procures, or employs a person to disturb, remove, excavate, injure, or
40 destroy any historic or prehistoric ruin, sacred object or other object of antiquity,
41 monument, artifact, or funerary is guilty of disturbance, removal or destruction of
42 antiquities.

43
44 B. Any person found guilty of disturbance, removal, or destruction of
45 antiquities is guilty of a Class A Misdemeanor.

1 **30-11-03. Defacing Tombs, Burial Grounds**

2
3 A. Any person who intentionally or knowingly defaces, breaks, destroys, or
4 removes any tomb, monument, gravestone, or marker, including natural vegetation as a
5 marker, pertaining to the burial of any human being is guilty of defacing a tomb or burial
6 ground.

7
8 B. Any person found guilty of defacing a tomb or burial ground is guilty of a
9 Class C Misdemeanor.

10
11 **30-12 TRESPASS**

12
13 **30-12-01. Criminal Trespass**

14
15 A. Any person who traverses private lands or other private property not his or
16 her own, when notice against trespassing has been reasonably communicated by the
17 owner or a consent to pass has been withdrawn, or allows livestock under his or her
18 control to occupy or graze on the lands of another is guilty of criminal trespass.

19
20 B. Any person found guilty of criminal trespass is guilty of a Class D
21 Misdemeanor.

22
23 **30-12-02. Tampering With No Trespass Sign**

24
25 A. Any person who defaces, marks, removes, or otherwise tampers with a
26 “No Trespass” sign is guilty of tampering with a no trespass sign.

27
28 B. Any person found guilty of tampering with a no trespass sign is guilty of a
29 Class E Misdemeanor.

30
31 **30-12-03. Misusing Public Property**

32
33 A. Any person who, without proper authority uses public property for an
34 unlawful purpose, knowingly enters public property when such property is not open to
35 the public, uses or remains after having been requested to leave, or damages any public
36 property is guilty of misuse of public property.

37
38 B. Any person found guilty of misuse of public property is guilty of a Class
39 D Misdemeanor.

40
41 **30-12-04. Breaking and Entering**

42
43 A. Any person who, without authority enters any vehicle, watercraft, aircraft,
44 dwelling, or other structure by fraud, deception, or the dismantling of any part of the
45 vehicle, etc., or dismantling any device used to secure the vehicle, etc. shall be guilty of
46 breaking and entering.

1 B. Any person found guilty of breaking and entering is guilty of a Class C
2 Misdemeanor.

3
4 **30-12-05. Criminal Damage to Property**

5
6 A. Any person who defaces, damages, or tampers with the property of any
7 person, organization, corporation, government, or other entity in such a manner that their
8 action impairs its functionality or value is guilty of criminal damage to property.

9
10 B. Any person found guilty of criminal damage to property is guilty of a
11 Class D Misdemeanor.

12
13 **30-12-06. Aggravated Criminal Damage to Property**

14
15 A. Any person who defaces, damages, tampers with or in any way alters the
16 appearance of any tribally-owned building or structure, or any personal property, or place
17 used for religious and cultural ceremonies, or any building, structure, or place used as a
18 school or as an educational facility, or any cemetery, mortuary, or other facility used for
19 the purpose of burial or memorializing the dead is guilty of aggravated criminal damage
20 to property.

21
22 B. Any person found guilty of aggravated criminal damage to property is
23 guilty of a Class C Misdemeanor.

24
25 **30-12-07. Theft**

26
27 A. Any person who unlawfully takes or exercises control of property not his
28 or her own, whether or not possession was originally obtained with consent of the owner,
29 with the intent of permanently depriving the owner of the value or use of the property is
30 guilty of theft.

31
32 B. Any person found guilty of theft is guilty of a Class D Misdemeanor.

33
34 C. Any person who commits theft and utilizes a dangerous weapon in
35 furtherance of the crime shall be guilty of a Class B Misdemeanor.

36
37 **30-12-08. Shoplifting**

38
39 A. Any person who willfully takes possession of any goods offered for sale
40 by any mercantile establishment, without the consent of the owner or manager, or who
41 willfully conceals or attempts to conceal any goods offered for sale on himself or herself
42 or among his or her belongings, or on the person or the belongings of another, with the
43 intent to convert such goods to his or her own use without paying for them, is guilty of
44 shoplifting.

1 B. Any person found guilty of shoplifting is guilty of a Class E
2 Misdemeanor.

3
4 **30-12-09. Fraud**

5
6 A. Any person who obtains property or anything of value that belongs to
7 another by false representation, willful misrepresentation of fact; or by failure to reveal
8 facts, which he or she knows should be revealed, is guilty of fraud.

9
10 B. Any person found guilty of fraud is guilty of a Class D Misdemeanor.

11
12 **30-12-10. Embezzlement**

13
14 A. Any person who converts anything of value, which has been entrusted to
15 him or her, with the fraudulent intent to deprive the owner thereof is guilty of
16 embezzlement. Each conversion constitutes a separate offense of embezzlement.

17
18 B. Any person found guilty of embezzlement is guilty of a Class C
19 Misdemeanor.

20
21 **30-12-11. Extortion**

22
23 A. Any person who compels or induces another person to deliver property to
24 himself or herself or to a third person, by threatening to: (1) cause physical injury to a
25 person, (2) cause damage to property, (3) accuse a person of a crime or cause criminal
26 charges to be instituted against a person, (4) expose a secret or publicize an asserted fact,
27 whether true or false, tending to subject a person to hatred, contempt, or ridicule, or (5)
28 kidnap a person is guilty of extortion.

29
30 B. Any person found guilty of extortion is guilty of a Class C Misdemeanor.

31
32 **30-12-12. Issuance of Bad Checks**

33
34 A. Any person who knowingly issues a check without sufficient funds for the
35 payment in full of the check and any other checks outstanding at the time of issuance is
36 guilty of issuance of bad checks.

37
38 B. Any person found guilty of issuance of a bad check is guilty of a Class E
39 Misdemeanor.

40
41 **30-12-13. Forgery**

42
43 A. Any person who, with intent to defraud, alters, falsely signs, or completes
44 any written instrument, or utters any forgery, is guilty of forgery.

45
46 B. Any person found guilty of forgery is guilty of a Class C Misdemeanor.

1 **30-12-14. Receiving Stolen Property**

2
3 A. Any person who intentionally buys, receives, retains, disposes of,
4 conceals, or aids in the concealing of any property which he or she knows, or should
5 know, has been obtained by theft, extortion, fraud, or other unlawful means is guilty of
6 receiving stolen property.

7
8 B. Any person found guilty of receiving stolen property is guilty of a Class D
9 Misdemeanor.

10
11 **30-12-15. Unlawful Disposal, Removal, or Concealment of Encumbered**
12 **Property**

13
14 A. Any person who knowingly and with the intent to defraud, sell, transfer,
15 remove, conceal, or otherwise disposes of any security interest, chattel, mortgage, or
16 other property with a lien or encumbrance attached and without the written consent of the
17 owner is guilty of unlawful disposal, removal, or concealment of encumbered property.

18
19 B. Any person found guilty of unlawful disposal, removal or concealment of
20 encumbered property is guilty of a Class D Misdemeanor.

21
22 **30-12-16. Unlawful Disposal of Decedent's Estate**

23
24 A. Any person who knowingly and with the intent to defraud, sell, transfer,
25 remove, conceal, or otherwise dispose of any property of a decedent's estate before the
26 determination and disposition of the estate by devise, to heirs, or to other distributees is
27 guilty of unlawful disposal of decedent's estate.

28
29 B. Any person found guilty of unlawful disposal of a decedent's estate is
30 guilty of a Class D Misdemeanor.

31
32 **30-12-17. Unlawful Burning**

33
34 A. Any person who sets a fire or allows a fire to escape, leaves a campfire
35 burning unsupervised, or causes a fire to be started by means of a lit cigar, cigarette,
36 match or firework causing damage to any vegetation, forest, or structures is guilty of
37 unlawful burning.

38
39 B. Any person found guilty unlawful burning is guilty of a Class D
40 Misdemeanor.

41
42 **30-12-18. Arson**

43
44 A. Any person who intentionally and willfully starts a fire or causes an
45 explosion with the purpose of destroying or damaging any structure or property, to collect

insurance, or to cause damage to any public property, utility line, or railway structure, or injure any person or animal is guilty of arson.

B. Any person found guilty of arson is guilty of a Class B Misdemeanor.

30-12-19 Burglary

A. Any person who intentionally enters any building, dwelling, enclosed railroad car, enclosed portion of any boat or vessel, enclosed cargo portion of a truck or trailer, or a motor home or other motorized type of a home, or a trailer home without consent of the person in lawful possession and with intent to steal or commit a crime is guilty of burglary.

B. Any person found guilty of burglary is guilty of a Class C Misdemeanor.

30-13 ANIMALS

30-13-01. Cruelty to Animals

A. Any person who recklessly or maliciously inflicts injury, pain, suffering, or death upon any animal, or subjects any animal to abandonment, cruel mistreatment, neglect, or deprivation of water or food is guilty of cruelty to animals.

B. Any person found guilty of cruelty to animals is guilty of a Class D Misdemeanor.

30-13-02. Negligent Control of a Vicious Animal

A. Any person who fails to control, confine, or unleashes an animal which is known to be vicious and while at large such animal causes an injury to another person is guilty of negligent control of a vicious animal.

B. Any person found guilty of negligent control of a vicious animal is guilty of a Class C Misdemeanor. Negligent control of a vicious animal which results in the death of a person is guilty of a Class A Misdemeanor. The animal(s) may be subject to forfeiture and euthanasia.

30-13-03. Maintaining Prohibited Animals

A. Any person who (1) maintains wild animals as pets, or (2) maintains a vicious dog breed for the purpose of dog fighting is guilty of maintaining prohibited animals.

B. Any person found guilty of maintaining prohibited animals is guilty of a Class D Misdemeanor. The animal(s) may be subject to forfeiture and euthanasia.

1
2
3 **30-14 LIVESTOCK**

4 **30-14-01. Failure to Brand Livestock**

5 A. Every tribal member owning livestock shall have and use a brand on each
6 animal; such brand shall be recorded in the office of the New Mexico Livestock Board.
7 Cattle shall be branded by use of a hot iron. Sheep shall be branded with a paint brand.
8 Any unbranded cattle, excepting calves with a branded mother, shall be subject to seizure
9 by any tribal officer or livestock inspector and shall be handled and disposed of as an
10 estray. Any person who fails to comply with this §30-14-01 is guilty of failure to brand
11 livestock.

12
13 B. Any person found guilty of failure to brand livestock is guilty of a Class C
14 Misdemeanor.

15
16 **30-14-02. Brands; Recording; Evidence of Ownership**

17
18 No brands except such as are recorded under the provisions of this Code shall be
19 recognized in law as evidence of ownership of the livestock upon which such brand may
20 be used. It shall be the duty of all persons to brand newly-acquired cattle with their duly
21 registered brand as soon as practicable, notwithstanding the possession of a bill of sale.
22 Nothing herein, however, shall be construed as relieving the owner of his duty to retain
23 possession of any bill of sale.

24
25 **30-14-03. Brands: Property Subject to Sale, Assignment, and Descent**

26
27 Any duly registered brand shall be considered to be the personal property of the
28 person and shall be subject to sale, assignment, transfer, devise, and descent.

29
30 **30-14-04. Using More than One Brand**

31
32 It shall be unlawful for any owner of livestock to use more than one brand, except
33 that lawfully acquired livestock carrying previous owner's registered brand need not be
34 rebranded if a valid bill of sale accompanies such livestock. The increase of such
35 livestock shall be branded with the owner's registered brand except if prohibited by a
36 mortgage or other lien. Any person who fails to comply with this §30-14-04 is guilty of
37 using more than one brand.

38
39 B. Any person found guilty of using more than one brand is guilty of a Class
40 C Misdemeanor.

41
42 **30-14-05. Brands of Minors: Responsibility of Parents or Guardians**

43
44 Minors, under 21 years of age, owning livestock separate from that of the parent
45 or guardian may have a separate recorded brand, but the minor's parent or guardian shall
46 be responsible for the proper use of any such brand by any such minor.

1 **30-14-06. Bills of Sale: Necessity and Presumptions: Definitions of Livestock**

2
3 A. No person shall buy, receive, sell, dispose of, or have in his or her
4 possession any livestock unless the person selling or disposing of such livestock shall
5 give, and the person buying or receiving such livestock shall take, a written bill of sale
6 giving the number, kind, marks, and brand of each animal sold which shall meet the
7 requirements set out in §30-14-07.

8
9 B. The possession of livestock, without having a written bill of sale meeting
10 the requirements set out in §30-14-07 shall be prima facie evidence of illegal possession
11 against any person charged with theft, unlawful possession, handling, driving, or killing
12 any livestock.

13
14 C. For the purpose of this Section, livestock is defined as cattle, horses, asses,
15 sheep, goats, swine, or the carcasses thereof.

16
17 **30-14-07. Bills of Sale: Requirements**

18
19 A. A duly executed bill of sale is an instrument in writing by which the owner
20 or his or her authorized agent transfers to the buyer the title to livestock described therein
21 and guarantees to defend said title against all lawful claims. It shall fully describe, in
22 detail, the livestock and such description shall include marks, brands, and all other
23 identification.

24
25 B. The seller shall sign his name to, and write in the bill of sale, his social
26 security or driver's license number and his post office address in the presence of two (2)
27 witnesses who are legal residents of Pueblo of Isleta, or in the event the transfer occurs
28 off the Reservation, residents of the county where the transfer of the described animals
29 takes place. The witnesses shall sign their names and indicate their post office addresses
30 on the bill of sale. The bill of sale shall be executed the day of the transaction.

31
32 C. In lieu of the signatures of two (2) witnesses, the bill of sale may be
33 acknowledged by a notary public or other officer authorized to take acknowledgements or
34 may be witnessed and certified by any livestock inspector.

35
36 D. A registration certificate issued by a recognized purebred association
37 properly identifying the animal and properly acknowledged by the secretary of the
38 association may be used as proof of ownership.

39
40 E. An inspection certificate executed as a bill of sale and certified by any
41 livestock inspector may be used as proof of ownership.

42
43 **30-14-08. Failure to Exhibit Bill of Sale of Livestock**

44
45 Any person who has purchased or received, or has in his possession any livestock
46 either for himself or another, shall exhibit the bill of sale for the livestock at the

1 reasonable request of any livestock inspector or other peace officer. Any person who
2 fails to comply with this §30-14-08 is guilty of failure to exhibit bill of sale of livestock.

3
4 B. Any person found guilty of failure to exhibit a bill of sale of livestock is
5 guilty of a Class C Misdemeanor.

6
7 **30-14-09. Failure to Obtain a Permit to Import Animals**

8
9 It shall be unlawful to bring any livestock into the Pueblo of Isleta Reservation
10 without first having obtained, in writing, a permit to do so from a livestock inspector.
11 The permit shall state the requirements to be complied with. Any person who fails to
12 comply with this §30-14-09 is guilty of failure to obtain a permit to import animals.

13
14 B. Any person found guilty of failure to obtain a permit to import animals is
15 guilty of a Class C Misdemeanor.

16
17 **30-14-10. Inspection of Brands and Earmarks of Exported Cattle**

18
19 It shall be the duty of the livestock inspector to cause to be inspected the brands
20 and earmarks upon the cattle shipped or driven out of the Isleta Reservation and to cause
21 to be kept and preserved a true and correct record of the result of such inspections; which
22 record may be preserved by storage with the New Mexico State Sanitary Board; which
23 record shall set forth the date of the inspection, the place where the inspection took place,
24 and the person who made the inspection, the names and post office addresses of the
25 owner, shipper, or claimant of the cattle so inspected, and the names and post office
26 addresses of all persons in charge of such cattle at the time of the inspection, the
27 destination of such cattle, as well as a list of all brands and earmarks upon the cattle so
28 inspected, and the number and classification of such cattle.

29
30 **30-14-11. Failure to Hold Export Cattle for Inspection**

31
32 It shall be the duty of every person shipping or driving any cattle out of the Isleta
33 Reservation to hold the same for inspection, as provided in this Code, and it shall be
34 unlawful for any person to ship, drive, or in any manner remove beyond the boundaries
35 of the Isleta Reservation any herd or brand of cattle until the same shall have been so
36 inspected. Any person who fails to comply with this §30-14-11 is guilty of failure to
37 hold export cattle for inspection.

38
39 B. Any person found guilty of failure to hold export cattle for inspection is
40 guilty of a Class C Misdemeanor.

41
42 **30-14-12. Home Slaughter without Inspection**

43
44 It shall be unlawful to slaughter for home use any cattle without first obtaining a
45 proper brand inspection from an authorized reservation brand inspector. Any person who
46 fails to comply with this §30-14-12 is guilty of home slaughter without inspection.

1 B. Any person found guilty of home slaughter without inspection is guilty of
2 a Class C Misdemeanor.

3
4 **30-14-13. Offenses by Inspector**

5
6 No livestock inspector shall knowingly (1) make any false certificate, (2) swear
7 falsely as to the truth of any report made by him, (3) accept any bribe or compensation
8 other than the recognized amount provided by law, or (4) fail to perform any of the duties
9 prescribed by law. Any livestock inspector who fails to comply with this §30-14-13 is
10 guilty of offenses by inspectors.

11
12 B. Any person found guilty of offenses by inspectors is guilty of a Class C
13 Misdemeanor.

14
15 **30-14-14. Unbranded Cattle: Estrays**

16
17 In the case of dispute over ownership of branded or unbranded cattle, if the brand
18 inspector is unable to determine ownership privately, such animal will be handled as an
19 estray. It shall be sold and the proceeds turned over to the tribe.

20
21 **30-14-15. Ownership: Possession**

22
23 If any duly authorized inspector should find any livestock or carcasses in the
24 possession of any person, branded or unbranded, and such person in charge or possession
25 of such livestock does not have a bill of sale or cannot furnish satisfactory proof of
26 ownership, or said inspector has good reason to believe said livestock or carcass was
27 stolen, the inspector shall seize and take possession of the same and retain possession
28 until satisfactory evidence of ownership is produced or until such livestock or carcasses
29 are disposed of as provided by law.

30
31 **30-14-16. Officers May Stop Vehicles: Failure to have Certificate: Arrest and**
32 **Seizure**

33
34 Any livestock inspector or tribal police officer shall be authorized to stop any
35 vehicle transporting livestock or the carcasses thereof and demand from the person or
36 persons operating said vehicle to show the certificate of brand inspection or other proof
37 of ownership; and should any person or persons transporting said livestock or the
38 carcasses thereof be unable to exhibit to such inspector or police officer said certificate,
39 said inspector or officer is authorized and empowered to arrest, without warrant, any
40 person or persons operating said vehicle and take possession of the same and the
41 livestock or carcasses therein, and shall retain such possession until the person or persons
42 operating such vehicle can produce satisfactory evidence that he, she or they, or the
43 person or persons, firm, or corporation for whom the same is being transported is the
44 lawful owner thereof, or until such livestock or carcasses are disposed of as hereinafter
45 provided.

1 **30-14-17. Sale of Carcasses to Prevent Loss by Spoiling**

2
3 If said inspector or police officer shall deem it necessary to sell said carcasses so
4 taken, to prevent the loss of same by spoiling, they are empowered and authorized to do
5 so, retaining the sale price thereof in their possession to be disposed of as hereinafter
6 provided.
7

8 **30-14-18. Return to Owner: Sale of Livestock or Carcasses: Disposition of**
9 **Proceeds**

10
11 If, within a period of ten (10) days, the ownership of said livestock or said
12 carcasses is shown and established, said livestock or carcasses, or the proceeds from the
13 sale thereof, shall be delivered to said owner. If, however, within said period the
14 ownership of said livestock or carcasses is not shown or established, then, in that event,
15 the monies derived from the sale of said livestock or carcasses shall be paid to the tribe;
16 and said livestock shall be sold and disposed of in the manner now provided by law for
17 the sale and disposition of estray animals, and the monies resulting therefrom shall be
18 paid to the tribe.
19

20 **30-14-19. Definition of Carcasses**

21
22 Whenever the word "carcass" is used, it means one (1) or more carcasses or parts
23 thereof not less than one-quarter of a carcass.
24

25 **30-14-20. Failure to Close Gate: Penalty**

26
27 All persons who open any gate in a grazing area shall close the same gate. Any
28 person who shall fail to comply with this §30-14-20 is guilty of failure to close gate.
29

30 B. Any person found guilty of failure to close gate is guilty of a Class E
31 Misdemeanor.
32

33 **30-14-21. Taking Up of Estray Animals**

34
35 No person shall take up estray animals except if the animal be found in the
36 vicinity of his or her residence. When any person shall take up an estray, he or she shall
37 immediately make out a written description of such animal and mail or deliver same to a
38 livestock inspector.
39

40 **30-14-22. Fence Breaking: Penalty**

41
42 Any person breaking, cutting, or damaging the range-land fence shall be, upon
43 conviction, subject to a forfeiture of not more than \$50.00. Additionally, any person who
44 shall violate this Section shall be obligated at the time of his punishment to indemnify the
45 owner of any fence for the damage that has followed there from or for the repairing of the
46 fence valued according to the gravity of the offense.

1 **30-14-23. Earmarks: Recording**

2
3 Any stock grower may adopt and use an earmark and such mark will be used in
4 evidence along with evidence in connection with the owner's recorded brand. In no case
5 shall the person so marking the animal cut off more than one-half of the ear so marked;
6 neither shall anyone mark by cutting both sides to a point.
7

8 **30-14-24. Unlawful Branding**

- 9
10 A. Unlawful branding consists of:
- 11 1. Branding or marking any animal that is the property of another
12 with any brand or mark not the brand or mark of the owner of the
13 animal.
14
 - 15 2. Altering any brand or mark upon any animal which is the property
16 of another; or
17
 - 18 3. Using any brand unless such brand shall have been duly recorded
19 in the office of the New Mexico Livestock Board, and the person
20 holds a certificate from the Board certifying to the fact of such
21 record.
22
- 23 B. Any person who fails to comply with this §30-14-24 is guilty of unlawful
24 branding.
25
- 26 C. Any person found guilty of unlawful branding is guilty of a Class C
27 Misdemeanor.
28

29 **30-14-25. Unlawful Disposition of Animal**

- 30
31 A. Unlawful disposition of animal consists of:
- 32
33 1. Skinning or removing without permission of the owner any part of
34 the hide of any cattle found dead;
 - 35 2. Taking any livestock for use or work without the consent of the
36 owner;
 - 37 3. Removing the livestock of another from its usual range without the
38 consent of the owner;
 - 39 4. Contracting, selling, or otherwise disposing of any animal without
40 consent of the owner; or
 - 41 5, Knowingly buying, taking, or receiving any animal without the
42 consent of the owner.
43
- 44 B. Any person who unlawfully disposes of an animal in contravention of
45 §30-14-25 is guilty of unlawful disposition of animal.
46

1 C. Any person found guilty of unlawful disposition of animal is guilty of a
2 Class C Misdemeanor.

3
4 **30-14-26. Illegal Confinement of Animals**

5
6 A. Illegal confinement of animals consists of:

- 7 1. Taking and detaining any bull for the purpose of improving
8 livestock without the consent of the owner;
- 9 2. Intentionally separating offspring of livestock from mother without
10 the consent of the owner, provided that when milk cows which are
11 actually used to furnish milk to the household or for dairy purposes
12 have calves that are unbranded, such calves may be separated from
13 their mother and enclosed; or
- 14 3. Confining or in any manner interfering with the freedom of, or
15 selling or offering to sell, any freshly branded animal, unless such
16 brand is one for which the person has a legally executed bill of sale
17 from the owner of such brand, or unless such animals are with their
18 mother, or unless such animals are the calves of milk cows when
19 such milk cows are actually used to furnish milk for the household
20 or for carrying on a dairy business; but, in every such case, the
21 person, firm, or corporation separating calves from their mothers
22 for either of these purposes shall, upon the demand of any peace
23 officer or inspector, produce within a reasonable time the mother
24 of each of such calves so that interested parties may ascertain if
25 the cow does, or does not, claim and suckle such calf.

26
27 B. Any person who fails to comply with this §30-14-26 is guilty of illegal
28 confinement of animals.

29
30 C. Any person found guilty of illegal confinement of animals is guilty of a
31 Class C Misdemeanor.

32
33 **30-14-27. Unlawful Taking of Big Game Wildlife**

34
35 A. Any person who takes or attempts to take or possess any big game
36 wildlife, including but not limited to deer, elk, bighorn sheep, bear, cougar, turkey, alive
37 or dead, unless permitted by statute or other regulation of law of the Pueblo of Isleta, is
38 guilty of the Unlawful Taking of Big Game Wildlife.

39
40 B. Any person found guilty of Taking of Big Game Wildlife is guilty of a
41 Class B misdemeanor. Any weapons utilized in furtherance of this crime are subject to
42 forfeiture along with the carcass and hunting privileges.

1 **30-15 CRIMES AGAINST PUBLIC PEACE**

2
3 **30-15-01. Disorderly Conduct**

4
5 A. Any person who engages in fighting or provokes a fight, disrupts any
6 lawful public or religious meeting, causes unreasonable noise or disturbance to others, or
7 uses obscene language or gestures towards others in a public place, is guilty of disorderly
8 conduct.

9
10 B. Any person found guilty of disorderly conduct is guilty of a Class E
11 Misdemeanor.

12
13 **30-15-02. Public Intoxication**

14
15 A. Any person who appears in a public place while under the influence of
16 alcohol or a controlled substance or toxic vapor, which is not therapeutically
17 administered for a medical purpose under the prescription or supervision of a person
18 licensed to administer, prescribe, control or dispense the substance, shall be guilty of
19 public intoxication, if the individual does any of the following:

- 20
21 1. Blocks or otherwise interferes with traffic on a highway or public
22 vehicular area, or
23 2. Blocks or lies across or otherwise prevents or interferes with
24 access to or passage across a sidewalk or entrance to a building, or
25 3. Grabs, shoves, pushes or fights another or challenges others to
26 fight, or
27 4. Curses or shouts at or otherwise rudely insults others, or
28 5. Begs for money or other property.

29
30 B. Any person found guilty of public intoxication is guilty of a Class E
31 Misdemeanor.

32
33 **30-15-03. Allowing Loitering of Minors**

34
35 A. Any person owning a tavern, saloon, or bar and permits persons under the
36 age of twenty-one (21) years to frequent or loiter on the premises without being
37 accompanied by a parent or guardian is guilty of allowing loitering of minors.

38
39 B. Any person found guilty of allowing loitering of minors is guilty of a
40 Class E Misdemeanor.

41
42 **30-15-04. Serving Alcohol to Minors**

43
44 A. Any person who provides alcohol to or who owns a tavern, saloon, bar or
45 retail establishment selling alcohol and permits persons under the age of twenty-one (21)
46 years to purchase alcohol, is guilty of serving alcohol to minors.

1 B. Any person found guilty of providing or serving alcohol to minors is
2 guilty of a Class C Misdemeanor.

3
4 **30-15-05. Use of Telephone to Intimidate, Threaten, Harass, or Offend**

5
6 A. Any person who uses the telephone, with the intent to terrify, intimidate,
7 threaten, harass, or offend, or use obscene, lewd, or profane language to (1) suggest a
8 lewd or lascivious act, (2) threaten to inflict injury or physical harm to a person or
9 property, (3) to extort money or other things of value from a person, or (4) otherwise
10 disturbs a person's peace, quiet, or right of privacy by repeated anonymous telephone
11 calls is guilty of using the telephone to intimidate, threaten, harass or offend.

12
13 B. Any person found guilty of using the telephone to intimidate, threaten,
14 harass, or offend is guilty of a Class E Misdemeanor.

15
16 **30-15-06. Participating in or Assisting a Criminal Gang**

17
18 A. Any person who organizes, manages, directs, or supervises a group of
19 people or a gang, or entices or induces members of a gang or others to engage in violence
20 or intimidation, or finances a gang's affairs, or hires, engages, or uses a minor for any
21 conduct preparatory to or in completion of any criminal conduct of a gang; or commits an
22 offense with the intent to promote or further the objectives of a gang is guilty of
23 participating or assisting a criminal gang. Indicia of gang membership may include gang
24 related paraphernalia, tattoos, clothing, or colors.

25
26 B. Any person found guilty of participating or assisting a criminal gang is
27 guilty of a Class B Misdemeanor.

28
29 **30-15-07. Joyriding**

30
31 A. Any person who, without proper authority or the consent of the owner,
32 drives, operates, or otherwise uses the motor vehicle of another, without intent to
33 permanently deprive the owner of the vehicle is guilty of joyriding.

34
35 B. Any person found guilty of joyriding is guilty of a Class C Misdemeanor.

36
37
38 **30-16 INTERFERENCE WITH LAW ENFORCEMENT**

39
40 **30-16-01. Resisting, Evading, or Obstructing a Police Officer**

41
42 A. Any person who intentionally and willfully flees, prevents, or attempts to
43 prevent a Police Officer from effecting an arrest, or from otherwise discharging his or her
44 official duty by creating a substantial risk of physical harm to the officer or any other
45 person by employing means of resistance which requires substantial force to overcome,
46 or by knowingly making false, fraudulent, or unfounded reports or statements to an

1 officer, or by knowingly misrepresenting a fact to an officer is guilty of resisting,
2 evading, or obstructing a Police Officer.

3
4 B. Any person found guilty of resisting, evading, or obstructing a Police
5 Officer is guilty of a Class C Misdemeanor.

6
7 **30-16-02. Impersonating a Tribal Official**

8
9 A. Any person who impersonates a Tribal Official on Reservation lands, with
10 the intent to induce another to submit to his or her pretended official authority, or rely
11 upon his or her pretended official acts to the person's detriment is guilty of impersonating
12 a Tribal Official.

13
14 B. Any person found guilty of impersonating a Tribal Official is guilty of a
15 Class B Misdemeanor.

16
17 **30-16-03. Harboring a Fugitive**

18
19 A. Any person, other than a spouse, child, mother, father, or sibling who,
20 with the intent to hinder prosecution, conviction, or punishment of another for an offense,
21 renders assistance by concealing that person's identity; or warning that person of
22 impending discovery, apprehension, or prosecution; or provides that person with shelter,
23 money, transportation, a weapon, or a disguise; or prevents discovery by means of force,
24 deception, or intimidation; or conceals, alters, or destroys physical evidence that might
25 aid in the discovery, apprehension, prosecution, or conviction of that person is guilty of
26 harboring a fugitive.

27
28 B. Any person found guilty of harboring a fugitive is guilty of a Class C
29 Misdemeanor.

30
31 **30-16-04. Escape**

32
33 A. Any person who willfully escapes, attempts to escape, assists another in an
34 escape from lawful custody, or fails to return to custody at a scheduled time is guilty of
35 escape.

36
37 B. Any person found guilty of escape is guilty of a Class C Misdemeanor.
38
39

1 **30-17 CRIMES AGAINST GOVERNMENT AND ITS ADMINISTRATION**

2
3 **30-17-01. Demanding Illegal Fees**

4
5 A. Any Tribal Official or tribal employee who knowingly requests or accepts
6 anything of value greater than the fixed price for the execution of such services is guilty
7 of demanding illegal fees.

8
9 B. Any person found guilty of demanding illegal fees is guilty of a Class C
10 Misdemeanor.

11
12 **30-17-02. Paying/Receiving Public Money For Services Not Rendered**

13
14 A. Any Tribal Official or tribal employee who knowingly pays or receives
15 tribal government monies as salary or remuneration for services which have not in fact
16 been rendered is guilty of paying or receiving public monies for services not rendered.

17
18 B. Any person found guilty of paying or receiving public monies for services
19 not rendered is guilty of a Class C Misdemeanor.

20
21 **30-17-03. Unlawful Interest in a Public Contract**

22
23 A. Any Tribal Official or tribal employee who receives anything of value,
24 directly or indirectly, from a seller or purchaser of goods, services, or securities or any
25 other thing of value from the Tribe without the public declaration of the transaction by
26 filing of a statement with the Secretary's Office and publication in the Tribe's newspaper
27 shall be guilty of unlawful interest in a public contract.

28
29 B. Any person found guilty of unlawful interest in a public contract is guilty
30 of a Class B Misdemeanor.

31
32 **30-17-04. Bribery**

33
34 A. Any person who gives or offers to give to another person, or who receives
35 from another person, money, property, or any other thing of value with intent to influence
36 a person in the discharge of his or her public duties is guilty of bribery.

37
38 B. Any person found guilty of bribery is guilty of a Class D Misdemeanor.

39
40 **30-17-05. Soliciting a Bribe**

41
42 A. Any person who obtains or seeks to obtain money, property, or any other
43 thing of value upon a claim or representation that he or she can or will influence the
44 action of a public servant in the discharge of his or her public duties with the intent of
45 doing so in an improper manner is guilty of soliciting a bribe.

1 B. Any person found guilty of soliciting a bribe is guilty of a Class D
2 Misdemeanor.

3
4 **30-17-06. Acceptance of Bribe by a Witness**

5
6 A. Any person who has been called as a witness, or is likely to be called as a
7 witness, and accepts, agrees to accept, or solicits money, property, or anything of value to
8 testify falsely or withhold information in a judicial, administrative, legislative, or other
9 fact-finding proceeding, or from a Police Officer is guilty of acceptance of a bribe by a
10 witness.

11
12 B. Any person found guilty of acceptance of a bribe by a witness is guilty of
13 a Class D Misdemeanor.

14
15 **30-17-07. Bribery, Intimidation or Retaliation Against a Witness**

16
17 A. Any person who gives or offers to give to a witness or a person likely to
18 be called as a witness money, property, or anything of value, or who intimidates or
19 threatens a witness to testify falsely or withhold information in a judicial, administrative,
20 legislative, or other fact-finding proceeding or from a Police Officer who retaliates
21 against a witness by causing bodily harm or injury to another person or property or
22 threatening the release of information relating to the violation of a criminal is guilty of
23 bribery, intimidation, or retaliation against a witness.

24
25 B. Any person found guilty of bribery, intimidation, or retaliation against a
26 witness is guilty of a Class C Misdemeanor.

27
28 **30-17-08. Perjury**

29
30 A. Any person who knowingly makes a false statement while under oath, or
31 induces another to do so, is guilty of perjury.

32
33 B. Any person found guilty of perjury is guilty of a Class B Misdemeanor.

34
35 **30-17-09. Malicious Prosecution**

36
37 A. Any person who procures, or attempts to procure, a criminal charge
38 against an innocent person when knowing him/her to be innocent is guilty of malicious
39 prosecution.

40
41 B. Any person found guilty of malicious prosecution is guilty of a Class E
42 Misdemeanor.

1 **30-17-10. Obstructing Judiciary or Officers**

2
3 A. Any person who shall willfully disobey an order, subpoena, warrant or
4 commitment, duly issued, made or given by the Pueblo of Isleta Judiciary or any officer
5 thereof, or who shall willfully disobey any lawful order of any officer of the Pueblo of
6 Isleta Judiciary, or who shall willfully obstruct, interfere with or hinder any officer of the
7 Pueblo of Isleta in the performance of his official duties shall be deemed guilty of
8 Obstructing Judiciary or Officer.

9
10 B. Any person found guilty of Obstructing Judiciary or Officer is guilty of a
11 Class C Misdemeanor.

12
13 *Enacted by Tribal Council March 12, 2013, Resolution 2013-021. Number*
14 *reassigned.*

15
16
17 **30-18 TOXIC AND CONTROLLED SUBSTANCES**

18
19 **30-18-01. Unlawful Inhalation of Toxic Vapors**

20
21 A. Any person who inhales the vapors or fumes of glue, paint, gas, nitrous
22 oxide, or any other toxic product or chemical substance for the purpose of intoxication,
23 elation, euphoria, or to induce irrational behavior or dulling or distorting of the senses or
24 mental processes is guilty of unlawful inhalation of toxic vapors.

25
26 B. Any person found guilty of unlawful inhalation of toxic vapors is guilty of
27 a Class E Misdemeanor.

28
29 **30-18-02. Possession of Controlled Substances**

30
31 A. Any person who knowingly carries on their person, within their vehicle, or
32 otherwise possesses a controlled substance is guilty of possession of a controlled
33 substance.

34
35 B. Any person found guilty of possession of a controlled substance is guilty
36 of a Class C Misdemeanor.

37
38 C. It shall be an affirmative defense to the possession of controlled
39 substances if the possession is for medical purposes under the prescription or supervision
40 of a person licensed to administer, prescribe, control, or dispense the prescribed
41 substances, or if peyote, it is sold, produced, traded, transported, or given away and
42 intended for use in connection with the bona fide practice of a religious belief, or as an
43 integral part of a religious exercise.

1 **30-18-03. Trafficking Controlled Substances or Toxic Substances**

2
3 A. Any person who knowingly sells, produces, trades, transports, gives away
4 any controlled substance or vapor-releasing toxic substance, or other chemical substance
5 capable of and used for the purpose of intoxication, elation, euphoria, or to induce
6 irrational behavior, or dulling, or distorting of the senses or mental processes is guilty of
7 trafficking controlled substances or toxic substances.
8

9 B. Any person found guilty of trafficking controlled substances or toxic
10 substances is guilty of a Class B Misdemeanor.
11

12 C. It shall be an affirmative defense to trafficking controlled substances or
13 toxic substances if the transaction, possession, production, or transportation is for medical
14 purposes under the prescription or supervision of a person licensed to administer,
15 prescribe, control, or dispense the prescribed substances, or if peyote, it is sold, produced,
16 traded, transported, or given away and intended for use in connection with the bona fide
17 practice of a religious belief, or as an integral part of a religious exercise.
18

19 **30-18-04. Possession, Use or Trafficking of Controlled or Toxic Substances in**
20 **Drug Free Zones**
21

22 A. Any person who uses, possesses, sells, produces, trades, transports,
23 or gives away any controlled substance, vapor-releasing toxic substance, tobacco, or
24 prescription drugs for the purpose of becoming intoxicated within 1000 feet of school
25 grounds, parks, or ceremonials grounds is guilty of possession, use, or trafficking
26 controlled substances or toxic substances in a drug free zone.
27

28 B. Any person found guilty of possession, use, or trafficking controlled
29 substances or toxic substances in a drug free zone is guilty of a Class C Misdemeanor.
30

31 C. It shall be an affirmative defense to the possession of prescription drugs, a
32 controlled substance, tobacco, or vapor releasing toxic substances in a drug free school
33 zone if the possession is for medical purposes under the prescription or supervision of a
34 person licensed to administer, prescribe, control, or dispense the prescribed substances, or
35 if used for its legally intended purpose.
36

37 **30-18-05. Possession of Drug Paraphernalia**
38

39 A. Any person who knowingly uses or possesses, with intent to use,
40 equipment, products, and materials of any kind which are used, or intended for use, or
41 designed for use in planting, propagating, cultivating, growing, harvesting,
42 manufacturing, compounding, converting, producing, processing, preparing, testing,
43 analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting,
44 inhaling, or otherwise introducing into the human body a controlled substance is guilty of
45 possession of drug paraphernalia.
46

1 B. Any person found guilty of possession of drug paraphernalia is guilty of a
2 Class E Misdemeanor.

3
4 **30-18-06. Trafficking of Toxic Substances to Minors**

5
6 A. Any person who sells, permits the sale of, attempts to sell, conspires to
7 sell, trades, gives or transfers any tobacco, glue, paint, gas, or other toxic substance for
8 the purpose of intoxication, elation, euphoria, or to induce irrational behavior or dulling
9 or distorting of the senses or mental processes to a person under the age of eighteen (18)
10 years, knowing the minor intends to use the substance as an intoxicant, is guilty of
11 trafficking of a toxic substances to minors.

12
13 B. A person found guilty of trafficking of toxic substances to minors is guilty
14 of a Class C Misdemeanor.

15
16
17 **30-19 FRAUD AND INDIAN CRAFTS**

18
19 **30-19-01. Indian Arts and Crafts**

20
21 All items labeled or otherwise identified as an Indian art or craft must be
22 handmade, meaning entirely made by hand, or handcrafted, meaning at least partly made
23 by hand, by an enrolled tribal member of an Indian tribe that the Pueblo of Isleta
24 acknowledges as a Tribe.

25
26 **30-19-02. Sale of Fraudulent Indian Arts and Crafts**

27
28 A. Any person who sells an item labeled or otherwise identified as an Indian
29 art or craft when the item is not handmade or handcrafted by an enrolled tribal member of
30 an Indian Tribe shall be guilty of the sale of fraudulent Indian arts and crafts.

31 B. Any Indian person found guilty of the sale of fraudulent Indian arts and
32 crafts is guilty of a Class D Misdemeanor.

33
34
35 **30-20 VICTIM'S RIGHTS ACT**

36
37 **30-20-01. Victim's Bill of Rights.**

38
39 A. All victims have a right to the following when dealing with the criminal
40 justice system:

- 41
42 1. To be treated with fairness, respect, and dignity and to be free from
43 intimidation, harassment, or abuse, throughout the criminal justice
44 process.

2. To be informed, upon request, when the accused or convicted person is released from custody or has escaped.
3. To be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing.
5. To confer with the prosecution after the crime against the victim has been charged, before trial, or before any disposition of the case, and to be informed of the disposition.
6. To read pre-sentence reports relating to the crime against the victim when they are made available to the defendant.
7. To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
8. To be heard at any proceeding when any post-conviction release from confinement is being considered.
9. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
10. The right to copies of any documents filed with the Court regarding the conviction, sentencing, imprisonment, escape or release of the accused.
11. To have at least one support person present during any hearings.

B. A victim's exercise or lack of exercising any right granted by this section shall not be grounds for dismissing a criminal proceeding or setting aside any conviction or sentence.

30-21 DEFINITIONS FOR CHAPTER 30: LAW AND ORDER CODE.

30-21-01. Scope

The definitions within this Code section shall apply to the Law and Order Code of the Pueblo of Isleta, Chapter 30.

1 **30-21-02. Definitions**

2
3 1. **“Abuse”** means the infliction or allowing of physical injury, impairment
4 of bodily function, disfigurement, the infliction of or allowing another person to cause
5 serious emotional damage as evidenced by diagnosis of a medical doctor or psychologist
6 or by severe anxiety, depression, withdrawal or outward aggressive behavior caused by
7 the acts or omissions of an individual having care, custody, and control of a child. Abuse
8 shall include inflicting or allowing sexual abuse, sexual conduct with a minor, sexual
9 assault; molestation of a child, commercial sexual exploitation of a minor, sexual
10 exploitation of a minor, incest, or child prostitution.

11
12 2. **“Adult”** means a person who is eighteen (18) years of age or older.

13
14 3. **“Child, Youth, or Juvenile”** means an individual who is under the age of
15 eighteen (18) years.

16
17 4. **“Close Pursuit”** means pursuit without unreasonable delay, and including
18 close pursuit of a person who has committed a criminal offense, or who is reasonably
19 suspected of having committed a criminal offense.

20
21 5. **“Controlled Substance”** means marijuana, cocaine, amphetamines,
22 opiates, phencyclidine, barbiturates and such derivatives and other controlled substances
23 as defined in 21 U.S.C. §812 or Chapter 30, Article 31 of the New Mexico Criminal Code
24 and any amendments thereto.

25
26 6. **“Court”** means the Pueblo of Isleta Tribal Court and Appellate Court.

27
28 7. **“Criminal Negligence”** means that a person fails to perceive a substantial
29 and unjustifiable risk that a particular result will occur or that a particular circumstance
30 exists. The risk must be of such nature and degree that the failure to perceive it
31 constitutes a gross deviation from the standard of care that a reasonable person would
32 observe in the situation.

33
34 8. **“Criminal Offense”** means any illegal act defined as criminal by law.

35
36 9. **“Culpable Mental State”** means intentionally, knowingly, recklessly, or
37 with criminal negligence.

38
39 10. **“Damaging”** means causing any physical or visual impairment to any
40 surface or structure.

1 11. **“Dangerous Weapon” or “Dangerous Instrument”** means anything that
2 under the circumstances in which it is used, attempted to be used or threatened to be used
3 is readily capable of causing serious physical injury and includes, but is not limited to,
4 any:
5

- 6 1. Air gun, CO₂ gun, stun gun, blowgun, explosive device, pistol, or
7 other firearm;
- 8 2. crossbow, bow and arrow;
- 9 3. bayonet, dagger, switchblade, bowie knife, or other kind of knife,
10 except a folded pocket knife;
- 11 4. sling shot, club, or chain;
- 12 5. sword or spear;
- 13 6. metal knuckles; or
- 14 7. any other instrument capable of causing serious physical injury.
- 15

16 12. **“Deadly Weapon”** means any instrument, including but not limited to a
17 firearm or motor vehicle, used in such manner as to render it capable of causing death.
18

19 13. **“Defacing”** means any unnecessary act of substantially marring any
20 surface or object, by any means, or painting any notice upon any structure, without
21 permission from the owner.
22

23 14. **“Drive-by Shooting”** means intentionally discharging a firearm or any
24 explosive device from a motor vehicle whether moving or stopped, at a person, another
25 motor vehicle, or structure.
26

27 15. **“Elder”** means a person who is sixty (60) years old or older.
28

29 16. **“Estray”** shall mean any bovine animal, horse, mule, or ass found running
30 at large upon public or private lands, either fenced or unfenced, in the Pueblo of Isleta,
31 whose owner is unknown in the pasture section where found or which shall be fifty miles
32 or more from the limits of its usual range or pasture, or that is branded with a brand that
33 is not on record in the office of the Cattle Sanitary Board of New Mexico.
34

35 17. **“Execution”** means the legal process of seizing and selling property to
36 satisfy an obligation to make full restitution pursuant and limited to this enactment.
37

38 18. **“Executive Authority”** means the Governor, First Lieutenant Governor,
39 Second Lieutenant Governor, Sheriff, or Undersheriff, as set forth in Article IV of the
40 Pueblo of Isleta Constitution.
41

42 19. **“Explosives”** means any chemical compound, mixture, or device for
43 which the primary purpose is to function by an explosion.
44
45

1 20. **“Extradition Waiver”** means a voluntary acknowledgment in written
2 form, by a fugitive, that he/she is voluntarily willing to surrender to the demanding
3 jurisdiction and waive any extradition procedure.

4
5 21. **“Firearm”** means any weapon which propels a bullet or other object
6 through the use of gunpowder.

7
8 22. **“Fireworks”** means anything manufactured, processed, or packaged for
9 exploding, emitting sparks, or combustion which does not have another common use, but
10 does not include fuel, a flare, a model rocket engine, tobacco products, a match, cigarette
11 lighter, stove, furnace, candle, lantern, a sparkler not exceeding 36 inches, a device
12 containing paper confetti.

13
14 23. **“Forged Instrument”** means a written instrument or document which has
15 been altered, falsely signed, or falsely completed.

16
17 24. **“Fugitive”** means any person charged with a criminal offense who has
18 fled from justice and the jurisdiction where the offense occurred.

19
20 25. **“Governor”** means the Chief Executive Officer of the Pueblo of Isleta
21 Tribe.

22
23 26. **“Habeas Corpus”** has the same meaning as set forth in 25 U.S.C. Section
24 1303.

25
26 27. **“Household member”** as used within the Law and Order Code shall be
27 defined as a spouse, former spouse, or family member including a relative, parent,
28 present or former stepparent, present or former in-law, a co-parent of a child, or a person
29 with whom a person has had a continuing personal relationship. Co-habitation is not
30 necessary to be deemed a household member for the purposes of the Law and Order Code
31 of the Pueblo of Isleta.

32
33 28. **“Intentional”** means that a person's conscious objective is to cause a
34 particular result or to engage in a particular course of conduct.

35
36 29. **“Intoxication”** means the condition of a person whose mental or physical
37 functioning is presently substantially impaired as a result of the use of alcohol.

38
39 30. **“Judicial Officer”** means any Tribal Court Judge, Bailiff, Clerk,
40 Prosecutor, and any attorney, advocate, or legal representative licensed to practice in
41 Tribal Court and/or appearing in Court acting in his/her professional capacity.

42
43 31. **“Knowingly”** means that a person is aware or believes that the specified
44 fact with regard to his/her conduct, omission, or circumstance exists. It does not require
45 any knowledge of the unlawfulness of the act or omission.

1 32. **“Lawful Custody”** means confinement by Court Order, physical, or
2 constructive restraint by a Police Officer.
3

4 33. **“Litter”** includes any rubbish, refuse, waste water or material, paper,
5 glass, cans, bottles, organic or inorganic trash, debris, filthy or odoriferous objects, dead
6 animals, sewage or any foreign substance of whatever kind or description, including
7 junked or abandoned vehicles, whether or not any of these items are of value.
8

9 34. **“Livestock inspector”** shall mean a livestock inspector duly authorized
10 by the Tribe and appointed by the New Mexico Livestock Board.
11

12 35. **“Malicious”** means a deliberate act in an unlawful manner, with or
13 without ill will.
14

15 36. **“Negligent”** means a person should have been aware of a substantial and
16 unjustifiable risk with regard to his/her conduct or a specific result from his/her conduct,
17 or that the conduct involves a significant deviation from the standard of care that a
18 reasonable person would observe in that situation.
19

20 37. **“Necessity”** means food, shelter, or any other personal property that is
21 necessary to live.
22

23 38. **“Offense”** means any criminal conduct prohibited by this Code.
24

25 39. **“Oral Sexual Contact”** means contact by mouth with the penis, vulva, or
26 anus.
27

28 40. **“Person”** means every natural person, firm, partnership, association, or
29 corporation and their legal successors.
30

31 41. **“Personal Property”** means any tangible property that is movable.
32

33 42. **“Physical Injury”** means the impairment of physical condition and
34 includes, but is not limited to, any skin or bone bruising, pressure sores, bleeding, failure
35 to thrive, malnutrition, dehydration, burns, fracture of any bones, subdural hematoma,
36 soft tissue swelling, injury to any internal organ, or any other physical injury which
37 would imperil the health or welfare of a person.
38

39 43. **“Police Officer”** means a law enforcement officer who is employed by
40 the Pueblo of Isleta Indian Tribe, any county, state, or federal law enforcement officer, or
41 any other person deputized by the Pueblo of Isleta.
42

43 44. **“Producing”** means financing, directing, manufacturing, issuing,
44 publishing, or advertising for pecuniary gain.
45

1 45. **“Prostitution”** means engaging in, agreeing to, or offering to engage in
2 sexual intercourse or sexual contact for money, gratuities, or other consideration.
3

4 46. **“Public Office”** means any position of employment or appointment
5 within the Pueblo of Isleta Tribe.
6

7 47. **“Public Place”** means an establishment open to the public, whether it is
8 publicly or privately owned.
9

10 48. **“Public Servant”** means any employee, servant, agent, attorney, or
11 appointed official or contractor of the Pueblo of Isleta Tribe.
12

13 49. **“Reckless”** means an act done in conscious disregard of a unjustifiable
14 risk and in gross deviation from reasonable standards of conduct.
15

16 50. **“Reportable Conviction”** means a final conviction of a Sexual Offense,
17 including any delinquency findings or adjudications of minors, or treatment at a mental
18 facility for a sexual offense as defined by the law of the jurisdiction where convicted
19

20 51. **“Restitution”** means requiring a person found guilty of criminal conduct
21 to compensate the victim(s) of such criminal conduct for any financial loss suffered due
22 to their criminal conduct or to reimburse the Pueblo of Isleta Tribe for any costs incurred
23 by the Pueblo of Isleta for the incarceration of such person.
24

25 52. **“School”** means any public, private, government, or parochial facility of
26 instruction including a Head Start or kindergarten program, elementary school, or high
27 school and any institution of higher learning, including a college or junior college.
28

29 53. **“School Grounds”** means the area within one thousand (1,000) feet of a
30 school or its accompanying grounds, a school bus stop, or any school bus or vehicle that
31 transports pupils to any school.
32

33 54. **“Security Officer”** means any person employed as a watchman,
34 patrolman, bodyguard, private security guard, or other person who performs security
35 guard services but does not include any regularly commissioned Police Officer.
36

37 55. **“Serious Physical Injury”** means physical injury which creates a risk of
38 death, or which causes serious or permanent disfigurement, or serious impairment of
39 health, or loss or protracted impairment of the function of any bodily organ or limb, or
40 psychological/emotional impairment.
41

42 56. **“Sexual Conduct”** means actual or simulated act of sexual intercourse,
43 including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons
44 of the same or opposite sex, penetration of the vagina or rectum by any object except
45 when done as part of a recognized medical procedure; sexual bestiality; sadomasochistic

1 abuse; lewd exhibition of the genitals, pubic, or rectal areas of any person; or defecation,
2 urination, or masturbation for the purpose of sexual stimulation of the viewer.

3
4 57. **“Sexual Contact”** means any direct or indirect touching, fondling, or
5 manipulating of any part of the genitals, anus, or female breast by any part of the body or
6 by any object.

7
8 58. **“Sexual Intercourse”** means penetration into the vulva or anus by any
9 part of the body or any object or manual masturbatory contact with the penis or vulva.

10
11 59. **“Spouse”** means a person's partner in marriage whom one is legally
12 married to.

13
14 60. **“Tamper”** means any act of interference.

15
16 61. **“Toxic Substance”** means any chemical or substance which has the
17 capacity to produce personal injury or illness to a person when ingested, inhaled, or
18 absorbed through a bodily surface.

19
20 62. **“Tribal Council”** means the Pueblo of Isleta Tribal Council.

21
22 63. **“Tribe”** means the Pueblo of Isleta Tribe.

23
24 64. **“Victim”** means a person against whom a criminal offense has been
25 committed or, if the person is killed or incapacitated, the person's spouse, parent, child, or
26 other lawful representative, except if the person is in custody for an offense or is the
27 accused.

28
29 65. **“Visual or Print Medium”** mean any film, photograph, videotape,
30 negative, slide, book, magazine or other form of publication or photographic reproduction
31 containing or incorporating in any manner any film, photograph, videotape, negative or
32 slide.

33
34 66. **“Vulnerable Adult”** means a person who is vulnerable to assault because
35 of the infirmities of aging or mental incompetence.

36
37 67. **“Warrant of Extradition”** means documents issued by any state or
38 another Indian tribe in accordance with this extradition procedure, requesting the
39 deliverance of a fugitive from justice.

40
41 68. **“Without Consent”** means coercion by the immediate use, or threatened
42 use, of force against a person or property who is incapable of consent by reason of mental
43 disorder, drugs, alcohol, sleep, or any other similar impairment of cognition, and such
44 condition is known or should have reasonably been known to the defendant; intentional
45 deception as to the nature of an act; or intentional deception as to identity causing a
46 person to act in a way they may not otherwise act.

1 **30-22 EVALUATION, TREATMENT, AND COMMITMENT OF**
2 **ADULTS WITH MENTAL HEALTH DISORDERS; FIREARMS**
3 **PROTECTION**

4
5 **30-22-01. Involuntary Emergency Mental Health Evaluation, Detention, and**
6 **Treatment**

7
8 A. An Isleta Police Department officer may detain and transport an adult subject for
9 emergency mental health evaluation and care in the absence of a court order if:

- 10
11 1. the subject is otherwise subject to lawful arrest;
12
13 2. the officer has reasonable grounds to believe the subject has just attempted
14 suicide;
15
16 3. the officer, based upon the officer's own observation and investigation,
17 has reasonable grounds to believe that the person, as a result of a mental
18 disorder, presents a likelihood of serious harm to oneself or to others and
19 that immediate detention is necessary to prevent such harm; or
20
21 4. a physician, a psychologist, or a qualified licensed mental health
22 professional agency has certified that the subject, as a result of a mental
23 disorder, presents a likelihood of serious harm to oneself or to others and
24 that immediate detention is necessary to prevent such harm. Such
25 certification shall constitute authority to transport the person to an
26 evaluation facility, including a facility outside of the jurisdiction of the
27 Pueblo of Isleta.

28
29 B. A court order is not required under this section. However, if an application is
30 made to the Isleta Tribal Court, including by the subject's legal guardian, informal
31 caretaker, or other household member, the Court may issue an order, including an
32 *ex parte* order, that:

- 33
34 1. an Isleta Police Department officer shall transport the subject to an
35 appropriate evaluation facility, even if such evaluation facility is outside
36 of the jurisdiction of the Pueblo of Isleta;
37
38 2. an Isleta Police Department officer shall transport the subject for a
39 temporary hold at a detention facility, pursuant to subsection D of this
40 chapter, if no mental health evaluation facilities are presently available; or
41
42 3. the subject should not be detained or transported to an evaluation facility.

43
44 C. In the event a proceeding is initiated under subsection B of this chapter, the Isleta
45 Tribal Court may order, in its discretion, any of the additional relief:
46

1. Removal of firearms in the subject's possession and/or from the subject's household by the Isleta Police Department for a period of seven days, during which period the Isleta Police Department may file its own petition under the Extreme Risk Firearm Protection Act;
 2. Treatment by the Isleta Health Center without the subject's consent, including through medication administration and/or through sedation;
 3. A restraining order protecting other individuals from the subject if the subject poses a danger to those individuals; or
 4. Any other emergency relief deemed necessary and appropriate by the Court.
- D. If either the officer or the Isleta Tribal Court reasonably determines that no evaluation or in-patient treatment facility is immediately available to the subject, the subject may be transported to a detention facility for a temporary hold. Detention facilities shall be used as temporary shelter for such persons only in cases of extreme emergency for protective custody, and no person taken into custody under chapter shall remain in a detention facility longer than necessary, but in no instance longer than seven days. In the event detention is used, the Isleta Tribal Prosecutor shall immediately file a petition for a thirty day involuntary commitment under Sec. 30-22-02.
- E. If use of a detention facility is necessary, the proposed subject:
1. shall not be held in a cell with prisoners;
 2. shall not be identified on records used to record custody of prisoners;
 3. shall be provided adequate protection from possible suicide attempts; and
 4. shall be treated with the respect and dignity due every citizen who is neither accused nor convicted of a crime.

30-22-02 Involuntary Mental Health Commitment of Adults for Thirty Days

- A. Proceedings under this section may, but need not, be related to an emergency mental health transport or evaluation action taken under Sec. 30-22-01.
- B. Any of the following persons may petition the Isleta Tribal Court to order an involuntary mental health commitment of an adult subject for a period of thirty days:
1. The subject's court ordered guardian;

2. A person appointed by the subject through a properly executed healthcare power of attorney;
3. Any person with actual knowledge of the subject's behaviors and of the danger the subject poses to himself and herself or to others;
4. Any person sharing a household with the subject;
5. Any person providing care to the subject, regardless of whether such care is court ordered or not;
6. The subject's physician, psychologist, or qualified licensed mental health professional;
7. The Isleta Police Department;
8. The Isleta Prosecutor; or
9. The Isleta Legal Department.

C. The petition shall include:

1. A description of the specific behavior or symptoms of the subject that evidences a likelihood of serious harm oneself or to others; and
2. If available and feasible, an initial assessment by a physician, psychologist, or qualified license mental health professional; and
3. A list of prospective witnesses that have observed the subject's behaviors giving rise to the commitment petition, and a summary of the matters to which they will testify.

D. The petition shall be personally served on the subject and the subject's court-ordered guardian, if applicable. A hearing shall be held no later than seven days after personal service of such petition, unless the subject is presently detained, in which case the hearing shall be held no later than three days after personal service.

E. At the hearing, the subject shall be represented by the Isleta Public Defender or by other counsel appointed by the Isleta Tribal Court. The subject shall have the right to present evidence on the subject's behalf, to cross-examine witnesses, and to be present at the hearing. The presence of the subject may be waived upon a showing to the court that the subject knowingly and voluntarily waives the right to be present. A complete record of all proceedings shall be made.

- 1 F. A court-appointed guardian for an adult subject involved in an involuntary
2 commitment proceeding shall have automatic standing to appear at all stages of
3 the proceeding and shall be allowed to testify by telephone or through affidavit if
4 circumstances make live testimony too burdensome. If applicable, the Isleta
5 Tribal Court shall include in its findings the guardian's opinion regarding the need
6 for involuntary treatment or a statement detailing the efforts made to ascertain the
7 guardian's opinion.
8
- 9 G. Upon completion of the hearing, the court may order a commitment for evaluation
10 and treatment not to exceed thirty days if the court finds by clear and convincing
11 evidence that:
12
- 13 1. as a result of a mental disorder, the subject presents a likelihood of
14 serious harm to oneself or to others;
15
 - 16 2. the subject needs and is likely to benefit from the proposed treatment; and
17
 - 18 3. the proposed commitment is consistent with the treatment needs of the
19 subject and with the least drastic means principle.
20
- 21 H. In the event an order is issued under this section, the Isleta Tribal Court shall
22 schedule recurring hearings to occur no later than ten days prior to the expiration
23 of that order, in order to determine whether or not the involuntary commitment
24 order shall be renewed for another thirty days. Each such hearing shall be
25 conducted in conformance with the requirements of subsection E of this chapter.
26

27 **30-22-03 Extreme Risk Firearm Protection Act**
28

- 29 A. A petition for an extreme risk firearm protection order shall be filed only by the
30 Isleta Police Department; provided that, if the respondent is a law enforcement
31 officer employed by the Isleta Police Department, the petition shall be filed by the
32 Isleta Prosecutor or by the Isleta Legal Department. Any person may request that
33 the Isleta Police Department file a petition for an extreme risk firearm protection
34 order under this Act.
35
- 36 B. The Isleta Police Department shall file a petition under this Act upon receipt of
37 credible information from a reporting party that gives the Isleta Police
38 Department probable cause to believe that a respondent poses a significant danger
39 of causing imminent personal injury to self or others by having in the respondent's
40 custody or control or by purchasing, possessing or receiving a firearm.
41
- 42 C. A petition for an extreme risk firearm protection order shall state the specific
43 statements, actions or facts that support the belief that the respondent poses a
44 significant danger of causing imminent personal injury to self or others by having
45 in the respondent's custody or control or by purchasing, possessing or receiving a

1 firearm.

2

3 D. A petition for an extreme risk firearm protection order shall be made under oath
4 and shall be accompanied by a sworn affidavit signed under penalty of perjury by
5 the reporting party setting forth specific facts supporting the order.

6

7 E. A petition for an extreme risk firearm protection order shall include:

8

9 1. The name and address of the reporting party, except that such address shall be
10 redacted upon request of the reporting party due to safety concerns;

11

12 2. The name and address of the respondent;

13

14 3. A description of the number, types and locations of firearms or ammunition
15 that the petitioner believes the respondent has custody of, controls, owns or
16 possesses;

17

18 4. A description of the relationship between the reporting party and the
19 respondent; and

20

21 5. A description of any lawsuit, complaint, petition, restraining order, injunction
22 or other legal action between the reporting party and the respondent.

23

24 F. Upon the filing of a petition under this Act, the court may enter a temporary
25 extreme risk firearm protection order *ex parte* and without a hearing, if the court
26 finds from specific facts shown by the petition that there is probable cause to
27 believe that the respondent poses a significant danger of causing imminent
28 personal injury to self or others by having in the respondent's custody or control
29 or by purchasing, possessing or receiving a firearm before notice can be served
30 and a hearing held.

31

32 G. If the court finds probable cause pursuant to Subsection (F) of this Chapter, the
33 court shall issue an *ex parte* temporary extreme risk firearm protection order
34 enjoining the respondent from having in the respondent's possession, custody or
35 control a firearm and shall further enjoin the respondent from purchasing,
36 receiving or attempting to purchase or receive a firearm while the order is in
37 effect. An *ex parte* temporary extreme risk firearm protection order shall include:

38

39 1. A statement of the grounds supporting the issuance of the order;

40

41 2. The date and time the order was issued;

42

43 3. A statement that the order shall remain in effect until the hearing date, at
44 which point the order may be extended for a year;

45

4. The date and time of the scheduled hearing, to be held within ten days of the issuance of the order;
 5. The text of Subsection (R) of this Chapter, requiring the respondent to relinquish firearms; and
 6. The text of Subsection (T) of this Chapter, directing criminal prosecution of a respondent who fails to relinquish firearms in conformity with the Order.
- H. The court shall conduct a hearing within ten days of the Petition's filing date or within ten days of the issuance of an *ex parte* temporary extreme risk firearm protection order, if applicable, to determine if a one-year extreme risk firearm protection order should be issued pursuant to this Chapter.
- I. If a respondent seeks a continuance of a hearing for a one-year extreme risk firearm protection order, the Court may in its discretion grant that continuance, but only upon issuing an *ex parte* temporary extreme risk firearm protection order that remains in effect until the actual hearing date.
- J. In determining whether grounds for any extreme risk firearm protection order exist, the court shall consider, at a minimum, the following:
1. Any recent act or threat of violence by the respondent against self or others, regardless of whether the act or threat involved a firearm;
 2. A pattern of acts or threats of violence by the respondent within the past twelve months, including acts or threats of violence against self or others;
 3. The respondent's mental health history;
 4. The respondent's abuse of controlled substances or alcohol;
 5. The respondent's previous violations of any court order;
 6. Previous extreme risk firearm protection orders issued against the respondent;
 7. The respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
 8. The respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and

- 1 9. Any recent acquisition or attempts at acquisition of a firearm by the
2 respondent.
3
- 4 K. If, after hearing the matter, the court finds by a preponderance of the evidence that
5 the respondent poses a significant danger of causing imminent personal injury to
6 self or others by having in the respondent's custody or control or by purchasing,
7 possessing or receiving a firearm, the court shall issue a one-year extreme risk
8 firearm protection order.
9
- 10 L. A one-year extreme risk firearm protection order shall include:
11
12 1. A statement of the grounds supporting the issuance of the order;
13
14 2. The date and time the order was issued;
15
16 3. The date and time the order expires;
17
18 4. Information pertaining to any recommendation by the court for mental health
19 or substance abuse evaluations, if applicable;
20
21 5. Notice that the respondent is entitled to request termination of the order prior
22 to the expiration of the order.
23
24 6. The text of Subsection (R) of this Chapter, requiring the respondent to
25 relinquish firearms; and
26
27 7. The text of Subsection (T) of this Chapter, directing criminal prosecution of a
28 respondent who fails to relinquish firearms in conformity with the Order.
29
- 30 M. A respondent may request that the court terminate a one-year extreme risk firearm
31 protection order at any time prior to the expiration of the order. Notice of such a
32 request must be personally served upon the Isleta Police Department, which must
33 be provided the opportunity to object to the request.
34
- 35 N. At any time not less than one month prior to the expiration of a one-year extreme
36 risk firearm protection order, the Isleta Police Department may petition the court
37 to extend the order. Each extension of the order shall not exceed one year. A
38 petition filed pursuant to this subsection shall comply with the provisions of
39 Subsections (A) through (E) as well as Subsection (Q) of this Chapter.
40
- 41 O. A one-year extreme risk firearm protection order is a final, immediately
42 appealable order.
43
- 44 P. If the court declines to issue an extreme risk firearm protection order, the court
45 shall state in writing the reasons for the court's denial and shall order the return of

1 any firearms to the respondent.

2

3 Q. Any petition, *ex parte* temporary order, and one-year protection order filed or
4 issued under this Chapter shall be personally served upon the respondent by the
5 Isleta Police Department.

6

7 R. A respondent who receives a temporary or one-year extreme risk firearm
8 protection order shall relinquish all firearms in the respondent's possession,
9 custody or control or subject to the respondent's possession, custody or control in
10 a safe manner to the Isleta Police Department within forty-eight hours of service
11 of the order or sooner at the discretion of the court.

12

13 S. An Isleta Police Department law enforcement officer that takes possession of a
14 firearm pursuant to this Chapter shall:

15

16 1. Prepare a receipt identifying all firearms that have been relinquished or
17 taken;

18

19 2. Provide a copy of the receipt to the respondent;

20

21 3. File the original receipt with the Isleta Tribal Court;

22

23 4. Ensure that the Isleta Police Department retains a copy of the receipt.

24

25 T. A person who fails to relinquish, or who possesses or has custody or control over,
26 any firearm or who purchases, receives or attempts to purchase, possess or receive
27 any firearm, in violation of an extreme risk firearm protection order is guilty of
28 Unlawful Possession of Deadly or Dangerous Weapon under Sec. 30-06-02, a
29 Class D Misdemeanor.

30

31 U. The Isleta Police Department shall enter all orders issued under the Extreme Risk
32 Firearm Protection Act into:

33

34 1. The national instant criminal background check system;

35

36 2. All federal or state or tribal computer-based systems and databases used
37 by law enforcement or others to identify prohibited purchasers of firearms;
38 and

39

40 3. All computer-based criminal intelligence information systems and
41 databases available in this state used by law enforcement agencies.

42

43 V. Upon the expiration of or upon receiving notice of the termination of an extreme
44 risk firearm protection order issued pursuant to the Extreme Risk Firearm
45 Protection Act, the Isleta Police Department shall promptly remove the order from
46 any tribal, state, or federal computer-based system into which it was entered

1 pursuant to Subsection U of this Chapter.
2

3 W. Following the expiration or termination of an order issued pursuant to the
4 Extreme Risk Firearm Protection Act and upon written request, the Isleta Police
5 Department shall provide a sworn affidavit to the respondent affirming that the
6 information contained within the order has been removed from all tribal, state,
7 and federal databases and systems identified in Subsection U of this section.
8

9 X. The Isleta Police Department shall store all firearms relinquished pursuant to an
10 order issued under the Extreme Risk Firearm Protection Act.
11

12 Y. Any firearm relinquished in accordance with the Extreme Risk Firearm Protection
13 Act shall be returned to the respondent within ten days following the expiration or
14 termination of an extreme risk firearm protection order, unless such firearm is
15 otherwise considered to be evidence in an ongoing investigation or subject to
16 applicable civil or criminal forfeiture laws. A respondent shall not be required to
17 acquire any court order granting the return of relinquished firearms. Prior to
18 returning any firearm under this subsection, the Isleta Police Department shall
19 conduct a national criminal records check and shall return the firearms if the
20 agency determines that the respondent is not prohibited from possessing firearms
21 pursuant to state or federal law.
22

23 24 **30-22-04 Definitions**

25
26 For purposes of this Section, the following definitions shall apply:
27

28 A. “least drastic means principle” means to provide treatment in the least restrictive
29 environment appropriate for the individual subject, based upon the facts and
30 circumstances of the specific subject, including that subject’s diagnoses, level of
31 capacity, and the risk of harm that the subject poses to themselves or to others;
32

33 B. “likelihood of serious harm to oneself or to others” means that it is more likely
34 than not that in the near future the person will attempt to commit suicide or will
35 cause serious bodily harm to the person's self by violent or other self-destructive
36 means, including grave passive neglect, or that the person will inflict serious,
37 unjustified bodily harm on another person or commit a criminal sexual offense, as
38 evidenced by behavior causing, attempting or threatening such harm, which
39 behavior gives rise to a reasonable fear of such harm from the person;
40

41 C. “mental disorder” means substantial disorder of a person's emotional processes,
42 thought or cognition that grossly impairs judgment, behavior or capacity to
43 recognize reality, but does not mean developmental disability;
44

45 D. “qualified licensed mental health professional” means an independent social
46 worker, a licensed professional clinical mental health counselor, a marriage and

1 family therapist, a certified nurse practitioner or a clinical nurse specialist with a
2 specialty in mental health, all of whom by training and experience are qualified to
3 work with persons with a mental disorder;
4

5 E. "reporting party" means a person who requests that a law enforcement officer file
6 a petition for an extreme risk firearm protection order and includes a spouse,
7 former spouse, parent, present or former stepparent, present or former parent-in-
8 law, grandparent, grandparent-in-law, co-parent of a child, child, household
9 member, person with whom a respondent has or had a continuing personal
10 relationship, employer, qualified licensed mental health professional, or public or
11 private school administrator;
12

13 F. "respondent" means the person identified in or subject to an extreme risk firearm
14 protection order petition;
15

16 G. "subject" means the person identified in or subject to an emergency mental health
17 evaluation and/or care or to an emergency mental health commitment or
18 detention;
19

20 H. "treatment" means any effort to accomplish a significant change in the mental or
21 emotional condition or behavior of the subject.
22

1 COMPILER'S NOTES:

2
3 This Revised Law and Order Code was adopted by action of the Pueblo of Isleta
4 Tribal Council in Resolution 2008-192, "Adopting Pueblo of Isleta Revised Law and Order
5 Code and Rescinding and Supplanting the 1965 Law and Order Code Except with Respect
6 to Certain Specific Provisions," dated September 11, 2008. In accordance with the
7 requirements in Article X, Section 2, of the Pueblo of Isleta Constitution, the Revised Law
8 and Order Code and Resolution 2008-192 were timely submitted to the Secretary of the
9 Interior for approval and, after 120 days and no notice of Secretarial approval or
10 disapproval having been received, the Code was deemed approved and effective as of
11 January 10, 2009. Attached to this document are the enacting Resolution and the relevant
12 portions of the 1965 Law and Order Code which were preserved.

13
14 Tribal Council Resolution 2012-034A, enacted the Pueblo of Isleta Ordinance on
15 Paternity Determinations, effective September 25, 2012. Read with 1-1-20.

16
17 Probate Ordinance, approved by Tribal Council June 10, 2014, by motion. Vote
18 count (12-0-0). Effective October 8, 2015.

19
20 Tribal Council approved by Motion on September 20, 2017 to amend the offenses
21 of:

- 22 • 30-04-03 Assault.
- 23 • 30-04-04 Aggravated Assault.
- 24 • 30-10-04 Aggravated Assault on a Household Member.
- 25 • 30-10-05 Battery on a Household Member.

26 and add the new criminal offenses of:

- 27 • 30-04-15 Battery.
- 28 • 30-04-16 Aggravated Battery.
- 29 • 30-04-17 Assault on a Police Officer.
- 30 • 30-04-18 Aggravated Assault on a Police Officer.
- 31 • 30-04-19 Battery on a Police Officer.
- 32 • 30-04-20 Aggravated Battery on a Police Officer.
- 33 • 30-10-09 Assault on a Household Member.
- 34 • 30-10-10 Aggravated Battery on a Household Member.

35 Vote count of 7-0-0.

36
37 Tribal council adopted Resolution 2022-082 on August, 30, 2022, adding the
38 following provisions:

- 39 • 30-22-01 Involuntary Emergency Mental Health Evaluation, Detention, and
40 Treatment
- 41 • 30-22-02 Involuntary Mental Health Commitment of Adults for Thirty Days
- 42 • 30-22-03 Extreme Risk Firearm Protection Act
- 43 • 30-22-04 Definitions

44 and amending Sec. 30-06-02 for conformity with the new chapters. Vote count 5-0-0